

# **Race Relations in St. Petersburg, Florida**

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**Florida Advisory Committee to the  
United States Commission on Civil Rights**

**Transcript of a Community Forum  
Volume 2, December 4, 1996**

## **The United States Commission on Civil Rights**

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**FLORIDA ADVISORY COMMITTEE  
U.S. Commission on Civil Rights**

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**Proceedings  
Morning Session, December 4, 1996**

**Dr. Berry.** Hi, I am Mary Francis Berry, Chairperson of the U. S. Commission on Civil Rights, and I am pleased to invite you here to the second day of the State of Florida Advisory Committee forum and hearing on the events here in St. Petersburg and on race relations in St. Petersburg. This morning and today we have a number of Federal, State, and local government officials who will be discussing recent disturbances and their impact, or actions taken in response to racial tensions in St. Petersburg.

Our first witness is the U.S. attorney from the Tampa office, U.S. attorney from the Justice Department, United States Government, Mr. Charles R. Wilson. Mr. Wilson, would you please—oh, you already came forward. Thank you very much. Could you please make your opening statement, and then we will ask you some questions.

**Statement of Charles R. Wilson, U.S. Attorney,  
Tampa, Florida**

**Mr. Wilson.** All right. And good morning again, ladies and gentlemen. I appreciate the opportunity to participate in the Commission's hearing this morning.

As I'm sure all of you are aware, the United States Attorney's Office and the Civil Rights Division of the Department of Justice are working jointly with the Federal Bureau of Investigation to conduct a complete and independent review of this incident that took place on October the 24th that gave rise to the death of TyRon Lewis.

And our investigation began on October the 25th, the day after that incident took place, and this investigation focuses on whether or not there have been any violations of Federal law with respect to the incident, specifically section 242 of Title 18 of the United States Code, which prohibits an individual acting under color of law from depriving someone of their Federal constitutional rights.

And we're presently in the early stages of the investigation. We're in an information-gathering posture at the present time, and this investigation entails reinterviewing witnesses and independent evidence gathering, and the investigation is underway at the present time. Now I wish that I could be more forthcoming with you with respect to information about the investigation itself, but I can't do that because am prohibited by Federal law from commenting specifically on the details of the investigation, including the progress of the investigation itself. So my comments this morning are somewhat abbreviated, and necessarily abbreviated.

But what I can tell you is that our office as well as the Civil Rights Division of the Department of Justice and the FBI are committed to conducting a complete, thorough, fair, and independent investigation, and we are not constrained by the actions or the inactions of anyone outside of the Federal Government. We are going to draw our own conclusions from the facts. And I have assigned one of the most experienced and effective prosecutors from my office to participate in this investigation almost exclusively. His name is Monty Richardson, and he is working with two lawyers from the Civil Rights Division of the Department of Justice, Lou DeBaca and Mike Hogan, and I can tell you that both Mr. Richardson and Mr. DeBaca have worked together before, successfully, on civil rights investigations that gave rise to successful prosecutions. Obviously, we cannot predict the outcome of the investigation, but we can assure the community that it will be thorough and it will be complete, and we're going to take a good hard look at the facts for the purpose of determining whether or not there have been any violations of Federal law, specifically Federal criminal law.

I can tell you that our office values the contributions of the community, and we've asked that if there is anyone that has any information about the incident that took place on October the 24th that might be of assistance to us in conducting and completing this investigation, to let us know, to contact the Federal Bureau of Investigation or the United States Attorney's Office, to let us know, to assist us in conducting a complete investigation. I met earlier with members of the community, including members of the civil rights community, the local chapters of the Urban League and the NAACP, and we value the contribution of members of the community, and we're receiving input that is appropriate.

Madam Chairman, those are the only comments that I have. As I indicated earlier, I'm limited in information that I can provide with respect to the conduct of the investigation, but I would be happy to answer any questions that you might have.

**Dr. Berry.** All right, Mr. Ford and then Mr. Brown.

**Mr. Ford.** Yes. Mr. Wilson, if your office finds that, indeed, under the color of law, or people using law, the shield of law to abridge the rights of any members of this community, what would be the next step by your office?

**Mr. Wilson.** Well, if we find that all the facts and the circumstances are such that the matter ought to be presented to a Federal grand jury, that we've got enough evidence to present the matter to



a Federal grand jury, then that would be the next step.

**Mr. Ford.** Thank you.

**Dr. Berry.** Okay. Mr. Brown?

**Dr. Brown.** Yes, I have a couple of questions. Last night, when we had members of the community, and particularly the south St. Petersburg area, speak, I asked if people had been interviewed or had any contact with the Department of Justice investigation, and from the members of Uhuru, and they said no. The people that you've mentioned you've met with, I've a great deal of respect for, as I know a number of them, and they are very concerned people, but they're not necessarily the people who were on the street who were seeing what was going on, and I was concerned that I didn't hear that they had been contacted.

I'll go through all of them, and you can answer them together and save time that way.

The second was that, you mentioned the contact, urging people to contact the FBI, and I'd be concerned that there would also be an alternative source. And putting even aside the memories of the FBI of the 1960s, the FBI also always has a—because of their nature of their duties, they work very, very closely with the local police departments, and thus, I think there ought to be an additional avenue for people to call as well as the FBI.

And, thirdly, I'm wondering, does your office have a civil rights specialist? I know that in the Miami office we have an attorney, Veronica Harold James, who's, for example, done a tremendous job in opening up housing areas in Miami and winning some very large suits on it, and I'm wondering if your office has employed a civil rights specialist at the local level.

**Mr. Wilson.** Well, we have prosecutors in our office who have successfully been involved in civil rights investigations and prosecutions before. I made mention of Mr. Richardson, whom I have assigned to participate in the investigation of this case. He is one of the most effective prosecutors in our office, and I have every confidence in his ability to conduct a—participate in a complete independent investigation.

**Dr. Brown.** No, I wasn't challenging him. In fact, in terms of this particular case you might not want your full-time civil rights person doing it. But in terms of the broader issues, the advantage of a full-time civil rights person to look at areas of housing discrimination, employment, and others, who are spending full-time on that. I'm just asking, do you have such a person in your office?

**Mr. Wilson.** No, not in the United States Attorney's Office. We don't have any prosecutors who are assigned exclusively to any area in particular. I think it's probably in the best interest of our prosecutors that they have more of a broad background when it comes to the participating in

the prosecution of Federal cases. I think it's probably in their best interests not to specialize in a particular area but to, you know, to serve more as generalists with respect to their prosecutorial responsibilities. But, as I indicated, we are working with the Civil Rights Division, and they are specialists in civil rights litigation, and we have every confidence in their ability to get the job done.

**Dr. Brown.** Okay. Well, what about the other two questions, alternative—

**Mr. Wilson.** Well, is there an alternative to— an alternative investigative agency other than—

**Dr. Brown.** No, no. Is there an alternative individual or place that people can go to, to give information concerning these incidents other than the FBI? Is there someone in your office, for example, in addition. I'm not saying that the FBI shouldn't—isn't the investigator. I'm talking about your statement that you said people in community who know things should go to the FBI. I'm asking, is there an alternative for them to go to in addition to the FBI if people feel uncomfortable in going to the FBI?

**Mr. Wilson.** Well, let me answer your question this way: I think members of the community should feel comfortable providing information to the FBI. I've worked with the agent who's been assigned to this case, worked on prior civil rights matters that have reached successful results in the middle district of Florida, and I think they ought to have confidence in the ability of the FBI to participate in a complete and thorough investigation of this case. However, if there is someone in the community who has information that would be of assistance in this investigation and you do not want to contact the FBI, I would encourage those individuals to contact the United States Attorney's Office and speak either to Mr. Richardson or to myself.

**Mr. Ford.** My concern would be—

**Dr. Berry.** Just a moment. You are interrupting. I'll recognize you recognize you as soon as Mr. Brown is—

**Mr. Ford.** I'm sorry.

**Dr. Brown.** Okay. But I think that should be publicized.

And, finally, you didn't respond to—my concern is the people in Uhuru, last night, mentioned that they were unaware and they hadn't been contacted. Are you only waiting for people to come to you, or are you—when is the FBI, their people going to be out on the ground seeking out—

**Mr. Wilson.** Well, normally, that is a part—that is what is taking place right now. The investigation is taking place, and a part of that—and I'm going to be followed by FBI agents who are participating in this investigation, and they can probably answer this question better than I can, but that's what the investigation entails, is identifying witnesses who have not previously been

identified, so that they can provide information that will assist the investigation.

Dr. Brown. Okay, thank you.

Dr. Berry. I'm going to recognize Ms. Littler, and then—

Ms. Littler. Okay. I was wondering if your office is making any inquiries into the incident that happened at the Uhuru house on November 13?

Mr. Wilson. Well, the only thing I can comment on today is the investigation into the shooting of TyRon Lewis. I can't comment on any other investigation. In fact, I'm prohibited by law from either confirming or denying the existence of any other investigation.

Ms. Littler. I understand.

Dr. Berry. Mr. Eng?

Mr. Eng. Mr. Wilson, I understand you're constrained by Federal law as to comment about the specifics of an ongoing investigation, but, therefore, I would just like to limit this to maybe a broad overview. How is the process for starting this sort of investigation, a shooting incident, for instance, initiated? Is it by the public going to a specific agency? I think this would be something that the public would be interested in learning how that comes about.

Mr. Wilson. Well, there's no standard or set mechanism for registering a complaint with Federal law enforcement. It's oftentimes initiated by the United States attorney, or with the law enforcement agency that has jurisdiction with regard to an incident that takes place, or it could be in the form of a citizen complaint.

Mr. Eng. Is that directed to your office or to another agency?

Mr. Wilson. Well, it can be directed to our office, and then we can redirect the investigation to the appropriate law enforcement agency. The FBI is primarily responsible for investigating civil rights complaints. And, normally, when our office receives information that should lead to an investigation into a civil rights violation, we will redirect that complaint to the FBI for an investigation.

Mr. Eng. I know it's dangerous to generalize; however, I'd like to see if you are able to put some sort of reasonable time span on when we might be able to see—in the general case, not specifically this particular case, but in the general case how long of a time span are we talking from initiation to some sort of resolution or recommendation?

Mr. Wilson. Well, that's going to be difficult to answer, because as we receive leads, we pursue those leads. I'm reluctant to set any timetable for the completion of the investigation.

I can only assure you that it will be an expeditious investigation. This is one of the top priorities in our office at the present time, and this is a matter that will be investigated in as expeditious a fashion as possible.

Mr. Eng. Okay, thank you, sir.

Dr. Berry. Dr. Clarkson.

Dr. Clarkson. I have two points. One, I strongly urge you to review the 7 hours of testimony that was provided yesterday in terms of the potential followup, and, second, not to look only at the narrow investigation that you've identified, but in that testimony there is—it's very ripe with respect to other potential violations of civil rights, and I would hope that your office would rack up those pieces of information in reviewing it as well. And my comment isn't directed necessarily to your office, but it would go beyond that to the FBI and any other law enforcement agency.

Mr. Wilson. All right, we will try to do that. Thank you very much.

Dr. Berry. I had a number of questions of myself, if no other members down there had any.

Commissioner Lee, you had a question.

Ms. Lee. Since you mentioned that you cannot talk about the current investigation, can you talk about any previous investigations that the U.S. Attorney's Office has done on this police department, relating to this police department?

Mr. Wilson. Related to this police department? I'm not aware of any relating to the City of St. Petersburg Police Department.

Rabbi Agin. Mr. Wilson, there have been problems with the City of St. Petersburg Police Department in prior years, and you're saying, that, to your knowledge, you have no case history of any difficulties or any violations regarding the police department here?

Mr. Wilson. Well—

Rabbi Agin. Or not to your knowledge, is that what you're saying?

Mr. Wilson. I can tell you that we have not been involved in any significant investigative matters relating to any incidents involving the St. Petersburg Police Department since I've been the United States attorney in the past 2 years.

Rabbi Agin. Oh, okay.

Dr. Berry. Mr. Wilson, I have a number of questions for you. You say you've been here for 2 years. In response to the questions asked by some of the SAC members, I was puzzled by what appeared to be your lack of understanding that people might not want to give information to the FBI. Are you familiar with the history of the relationship between the FBI, generally, as documented by historians in the African American community, especially in the South, and in this area, and so on, and—

Mr. Wilson. Well, I'm speaking specifically now based upon my relationship with the FBI in the middle district of Florida since I've been the United States attorney.

Dr. Berry. Right. I'm not questioning your relationship. We're talking about people in the community who may have information. Are you

aware that there are people who are distrustful and are mistrustful of the FBI, are you aware of that as a government official and as a public servant?

**Mr. Wilson.** Well, I don't doubt that there are people in the community who are distrustful of the ability of a Federal law enforcement agency to participate in a fair and independent investigation in this case. What I would like to do as the United States attorney, based upon my experience in dealing with the FBI on a daily basis, is to assure the members of the community, that if they come forward with information, that that information will be received and that the investigation will be conducted in a fair and expeditious fashion.

**Dr. Berry.** Now, Mr. Brown asked you that question primarily because, I suspect, of his experience. And my own experience and the experience of our other SACs around the country, and my recent experience with the church burnings and the SACS throughout the South, is that there were many people who had information to offer who did not want to give it to the FBI or BATF, and, in fact, a hotline number was set up specifically that they could call some alternative place, so that they wouldn't have to call them up to give them information.

**Mr. Wilson.** I wouldn't doubt that that hasn't happened in other parts of the country.

**Dr. Berry.** You don't see any need to do that here?

**Mr. Wilson.** I'm telling you that here in the middle district of Florida, as long as I'm the United States attorney, if there are people in this community who have complaints to register with the FBI with respect to civil rights violations, those complaints are going to be received, they're going to be taken seriously, and we're going to act upon those complaints consistent with what we've done since I've been the United States attorney in this district. I've indicated we've been very successful in investigating and prosecuting civil rights cases in the middle district of Florida since I've been the United States attorney.

**Dr. Berry.** I am not impugning your integrity, competence, or anything else, Mr. Wilson, or those of the FBI. I am asking you—I'll just try one more time. Maybe I'll try to do it a different way.

Do you think it would be helpful or might be helpful to an investigation to set up some alternative recipient of information for those people who may feel distrustful with coming forward, so that information can be gathered? And if you do not feel so, let me say that if people would rather call us at the Civil Rights Commission—that has happened—we have an 800 number, 552-6843, people may call there. There are some people who trust us more than they trust the FBI.

But do you have any sense that it might possibly maybe just minimally be helpful to say to

people that, here, call X number, or, you know, if you've got a complaint. And do you think it likely that if someone did have a complaint or felt distrustful, that they would probably be unlikely to go to the FBI to say I have a complaint and I feel distrustful?

**Mr. Wilson.** Well, I agree with you 100 percent that, to the extent that there are people who are distrustful, then there should be an alternative mechanism for registering a complaint. And my answer to you, that if there are individuals who have information about this incident that would be of assistance to us in conducting the investigation and they are reluctant to provide this information to the FBI, then that information should be provided directly to the United States Attorney's Office. If they would contact the United States Attorney's Office—

**Dr. Berry.** What's your phone number?

**Mr. Wilson.** It's area code 813, 274-6100.

**Dr. Berry.** Okay.

**Mr. Wilson.** And I can assure anyone who has any information that would be of assistance to us, if they provide that information to our office, we will receive that information and it will be acted upon.

**Dr. Berry.** Let me ask you something else. Are you familiar with how successful or unsuccessful prosecutions of police for civil rights violations have been, either in this jurisdiction or in this State, in recent years?

**Mr. Wilson.** Well, I think they've been very—these are problematic cases. They are very difficult to investigate and prosecute, not just locally or in this State, but nationally. They're extremely difficult cases to prosecute, but they have been prosecuted successfully by the Civil Rights Division of the Department of Justice. But the success of these cases is based upon proof. It's based upon the elements of proof and strong solid evidence.

**Dr. Berry.** Does it have anything to do with the difficulty of getting a conviction of a police officer for a violation, alleged violation, no matter how allegedly egregious?

**Mr. Wilson.** Well, I'm sure it does. I think a successful prosecution in a police misconduct case really has to be based upon strong, solid evidence, meeting all the elements of the offense and the rules of procedure in the Federal court. They are extremely difficult cases to prosecute, I would agree with you.

**Dr. Berry.** And the last question is, do you intend to do what Mr. Clarkson asked you to do, which is to review, or have someone review the tape of yesterday, and to look actively at civil rights violations, or is the posture of your office, as I've discovered with other U.S. attorneys, in terms of their office, that if someone has a complaint they should file it with you, and if they don't, then it's

not your business to look at videotapes or try to figure out if there are any complaints?

Mr. Wilson. No. I think that we would be remiss if we do not receive a transcript of the Commission's hearings and review it to assist us in—as I indicated, it's our responsibility to conduct a complete and thorough investigation, so we do intend to obtain a transcript of this Commission's hearings. I'm sure it will be very valuable to us in reaching a conclusion in this case.

Dr. Berry. And will you also, to repeat my specific question, review the transcript for possible other civil rights violations that were alleged by people in the course of the hearings and, to the extent that you find such allegations, have someone at least screen them to see if they have any validity at all worth pursuing?

Mr. Wilson. Yes, I will, enthusiastically.

Dr. Berry. All right.

Okay, Mr. Eng?

Mr. Eng. No questions.

Dr. Berry. You don't have a question? Anybody else that has a question?

Rabbi Agin. I have one more. I did not hear, or maybe I missed it, the specific answer to Mr. Brown's question. As part of an alternative, if people are not comfortable with coming forward either to your office or the FBI, is there or will there be a mechanism where you will send people, your staff people, out into the community where the incident occurred, and say we are looking for people who saw something that we should know about this case, starting with the shooting, the disturbances afterward, or whatever, will there be someone on the street seeking out witnesses where the event occurred?

Mr. Wilson. Well, I guess I can tell you that that's a part of the investigation.

Rabbi Agin. Okay.

Mr. Wilson. We're in the process of identifying individuals who have not been identified previously. And, again, you know, we've made it very clear—or we try to make it very clear that if we've missed anybody, and someone has some information that would be of assistance to us, we would appreciate those individuals coming forward, including contacting anyone in my office.

Dr. Berry. Okay, thank you. Mr. Wilson, appreciate your time.

Mr. Wilson. Thank you very much.

Dr. Brown. I think it should be noted, Mr. Chair, if it already hasn't been, that Mr. Wilson was also representing Mr. Deval Patrick, who obviously is the Assistant Attorney General for Civil Rights at the Department of Justice.

Mr. Wilson. Yes, sir.

Dr. Brown. All right, thank you.

Rabbi Agin. Mr. Peter Wubbenhorst, would you please state for the record who you represent, sir?

**Statement of Peter Wubbenhorst, Supervisory Special Agent and Chief Counsel, Federal Bureau of Investigation, Tampa Division**

Mr. Wubbenhorst. Yes, I'm Peter Wubbenhorst. I'm Supervisory Special Agent with the FBI, and I serve as Chief Counsel for the Tampa Division.

Good morning, ladies and gentlemen. I should also note that I'm an experienced police instructor, and I've presented a lot of civil rights training to police departments and FBI people throughout Central Florida.

What I propose to do in my opening statement is to talk with you briefly about the civil rights violations that are pertinent to this hearing today. As you know, the FBI investigates numerous civil rights violations. The two that are most pertinent, I'll address today, which is Title 18 of the United States Code, sections 241 and 242. I must reiterate what Mr. Wilson said, that I cannot and must not address any facts pertinent and relevant to the instant investigation in St. Petersburg. As Mr. Wilson said, we are precluded by Federal law from addressing the specifics of the investigation. But the bulk of my talk with you today, I want to give you some insight into how the FBI gets into a civil rights investigation and the investigative protocol that we follow. I think that will be very interesting to you and informative. I hope it will, and you'll be able to get a better idea of how we investigate these cases and where we go on these.

Rabbi Agin. That will be relevant to this. In other words, just to give us a general picture how you do this all over the country is one thing. But we would hope that your remarks will be extremely relevant to St. Petersburg; that is a primary issue, that's why we're here. And so just to gloss, just to give us a gloss of the United States, while I'm sure meaningful and helpful, would not really give us the meat that we need to help these people here.

Mr. Wubbenhorst. Right. I have to address that in this way. I will give you how we investigate a case, an excessive force case that results in personal injury or death. I will show you the investigative steps. Many or all of these steps may be being followed by the FBI agents investigating this case. But I cannot speak with any specificity to you, since it's an ongoing investigation as to where we are in any given step.

But I think as I go through it, and then as we go into the question and answer period, I think you will see that it is directly relevant to what we're doing. But I have to be very frank with you, and as Mr. Wilson explained, it's an ongoing investigation.

If I don't address it in my presentation, we'll come back to it in the questions, and I'll to address it as close to the line as I can, without stepping over it.

Rabbi Agin. Appreciate that. Thank you very much, sir.

Mr. Wubbenhorst. Okay. As I said, I do present this—just for your interest, over the last 4 years I have conducted 44 4-hour police schools for police departments and sheriffs' offices here in central Florida. The Tampa Division's territory extends from Hernando County to Naples, and then across the entire breadth of the State.

I've spoken to over 2,000 police officers. I give them 3 hours of civil rights training, and 1 hour of sexual harassment training even though that's not a criminal violation that the FBI investigates; nevertheless, it's an issue that's currently of great interest to all agencies and corporations.

Let me begin. I want to give you a handout. I will not dwell on it, but I think it's something that will help you put things in perspective.

When an incident occurs, such as we had in St. Petersburg, there are a variety of things that can occur, and all this is, and I think it's probably something that's common knowledge and you're aware of, is there can be civil lawsuits to redress an injury, there can be a Federal civil lawsuit under 42 U.S.C. 1983, there can be criminal actions, and that's where we come in, which is, in number three, under Title 18; the FBI is a criminal investigative agency, and that's the context in which I speak to you today. And, finally, there's administrative action through internal affairs, both by the police department, the law enforcement agency, and by the Florida Criminal Justice and Standards Training Commission, which is empowered to, in the vernacular, pull the ticket; a police officer has to be certified to be such in Florida.

So that's just kind of an overview and let's you see where we fit in, in the criminal justice process. We investigate criminal violations of Title 18. The two statutes that we're primarily concerned with in our context here is section 241, which is a criminal conspiracy to deny someone the free exercise or enjoyment of a constitutional right, and, more particularly, Section 242, which is the color of law. And that says, in summary, that under color of law—in other words, acting under your official authority—you willfully deprive an inhabitant—doesn't even have to be a citizen, an inhabitant—of the United States of a right guaranteed under the Constitution, which is our whole spectrum of rights.

Let me tell you now how we get into a case, and there's a variety of mechanisms that came up during the question and answer period with Mr. Wilson. We can get into a civil rights case, in other words, open an investigation under a variety of mechanisms. Probably the most common is, we receive notification from a victim or from an eyewitness. That is probably the most credible because then we actually have a person who is

directly involved in the situation that we can open an investigation on.

We also can open a case under our own authority when we are contacted by civic or community leaders. We can also get involved in—and it's happened rarely, in my experience, but I know that it's happened, where the police chief or a sheriff will contact us and say, "I'm very concerned about something that happened. I'd like an independent investigation. Will you, the FBI, come in and conduct a criminal civil rights investigation?" And it happened some years ago. I don't recall the agency, but it was in central Florida; it was not St. Pete. And we did, we conducted a full criminal civil rights investigation.

We can also open an investigation on our own initiative, either from community contacts or by reading something in the media, and we have done those cases.

Basically, we open an investigation in civil rights the same way we would do any investigation, based on a credible complaint of a reliable person who's giving us the information, and we make an assessment. We first open what we call a PI, a preliminary inquiry. This is to get in quickly, make an initial assessment, what have we got on our hands here. Like any government agency, like any corporation, like any commission, we have a finite amount of resources, and we owe it to the American public to use those resources to the best, whether it's organized crime, drugs, civil rights, national security—the many, many responsibilities we have.

The first thing we will generally do in a civil rights investigation—Ms. Chairman, this is how I'm coming back to what I think you want to address here—is we go out and we interview the victim. Of course, in a death case, that's not possible. But we'll also interview eyewitnesses that we are aware of that are close to the victim or at the scene of the incident. Clearly, the victim is probably the singular most important person to interview at the preliminary investigation stage.

In an injury case, say an alleged beating, or somebody was mistreated in some way, we will find out from the victim who are the subject officers, do they know the names, did they look at the ID tags, things like that. We'll look at the injuries and photograph them, and things like that. We'll also get a medical waiver so that as part of this preliminary inquiry we can go to the hospital, go to the doctors, and get copies of all the medical reports.

We also notify the point of contact in the agency with whom we deal. Some agencies, the chief of police or the sheriff personally wants to be notified. I've dealt with some agencies where they want it to be the captain or major or colonel in charge of internal affairs. Other agencies, the counsel for agencies, I've dealt directly with the counsel for the

local law enforcement agency. However the department wants to be notified, put them on notice that we've initiated a criminal civil rights investigation against one or more of that department's officers. And there's a reason for that. We then ask that department to give us copies of all police reports, incident reports that deal with that incident. That's very important, because that helps us identify who were the officers involved, what, according to the official written reports of the officers, what was involved in that incident, at issue.

In many cases that we investigate—not in all cases—the victim has also been charged with battery on a law enforcement officer. So now we've got conflicting issues as well. And, in fact, we have some cases where the law enforcement officer has been injured in a scuffle with the complainant, or the victim, and charges are preferred against the victim and/or complainant.

In addition to getting records from the department of all reports relevant to the incident, we also conduct our own records checks through NCIC and try to get background information on the victim, on the complainant, and on the subject officers; we do them all. We also conduct checks through FBI indices, internal indices, has this victim or complainant been victimized before, filed complaints before, and has the officer been the subject of prior civil rights complaints that perhaps didn't go anywhere, or were unfounded, or were not prosecuted for a variety of reasons. That's all very relevant information for us to determine.

As I said previously, we also get the medical reports. And we take this body of information, including interviews, including records, medical, criminal history, things like that, and we send a report. A copy goes to the United States Attorney, and a copy goes directly to the Criminal Section of the Civil Rights Division of the U.S. Department of Justice.

A few years ago, up until about 4 years ago, we had to communicate directly through our own headquarters. They have now simplified the process, where the field division, such as the Tampa Division, reports directly to the Civil Rights Division. We have direct one-on-one communication.

In the Criminal Section of the Civil Rights Division, those are career Justice Department prosecutors, that's all they do is look at these cases from around the country, and they work with the FBI to determine whether a case is prosecutable or not. Now that's step one, the first increment.

Then comes step two. If we have determined, based on our own inquiry, that this is a very serious case, that there's a lot more work to do and that it has, in consultation with DOJ, has prosecutive potential, we can immediately, on our own initiative and in consultation with the U.S.

attorney and with the DOJ, immediately move into the full field inquiry, and that's where we go out and try to find every witness who may have relevant information about the case, interview them.

We also attempt to interview the subject officers. Now, that's very touchy. At this point there's not a Federal grand jury convened on a case. So at this point—and I'm not speaking about the instant case, I'm still speaking in generalities—we don't have the power of subpoena, so the officer is in a noncustodial situation, can either agree to meet with us or not meet with us, but it's a voluntary interview on the officer's part. We can't compel the officer. We try to get them to cooperate; some do, some don't. It varies on the case.

We also go back to the law enforcement agency and say we would like a copy of the internal affairs report that was done. Usually, by the time we're involved in a case, the internal affairs department has already initiated an investigation, and a report has been done, or it's in the process for the chief or the sheriff. I have never had a case where a department refused to give us an internal affairs report, never.

There is a touchy legal situation that we get involved with when we get an IA report, and that is, there's a case called *Garrity* that you are probably familiar with, which deals with using a compelled statement against an officer. When internal affairs interviews an officer they can, under power of internal discipline, compel that officer to give a sworn statement as to what occurred. We're conducting a criminal investigation, so we have a clear fifth amendment problem. So we will take the internal affairs report, if the officer's statement and any references to that in the investigating IA officer's report can be severed, we'll sever it, and we'll send that separately to DOJ. We will use the IA report for our investigation minus the compelled statement.

If the compelled statement is so intertwined with the report—and we learn this by having agents and prosecutors who have nothing to do with our case—we call them a cold A.U.S.A., or a cold agent—read the report, tell the investigators, the hot agent, whether or not IA is intertwined with it. If it is intertwined, we just have to put it in a sealed enveloped and send it up to the Civil Rights Division. We cannot deal with it because we're in the loop as far as criminal prosecution. And, again, we'll go back and we'll do whatever needs to be done.

At the conclusion of our investigation, there's a very important document that goes on every single one of our reports, and I think this is probably unique in criminal investigations. We put a sheet for the attention of the Civil Rights Division, "persons to be notified upon conclusion of this case." We put the name and address of the victim,

the name and address of the complainant, the name and address of the subject officers, and the name and address of the head of the agency, and the Criminal Section of the Civil Rights Division will advise those persons if the case is declined prosecution, or if they determine not to prosecute. Because that's a very important point, the DOJ is not only notifying these persons, but also DOJ makes the call on whether or not this case is prosecutable.

When our investigation goes up to DOJ, they have several options: a) they can decline to prosecute based on their analysis of the evidence and the facts, and they'll notify us and they'll notify the persons that we have requested to be notified, and they do.

Secondly, they can come back to the FBI and say, "We need more investigation, we'd like you to do A, B, C, D." And we comply with that.

Or, finally, they can determine that the investigation is complete, and they can convene a Federal grand jury, either with the U.S. Attorney's Office, or direct the U.S. Attorney's Office to do it, and they will do so. And, as Mr. Wilson said, there are experienced prosecutors who conduct these grand jury inquiries. We assign experienced agents to conduct these investigations.

I'd like to address one point in my statement, and then I'll stop and afford you time to ask questions. We assign experienced agents to do these investigations. Under Bureau policy, we do not assign former police officers who became FBI agents to do these investigations, and we do not assign agents who work with that police department in that jurisdiction to do these investigations.

If we have an investigation, let's say, of Sarasota, we'll send an agent from Pinellas, or we'll send an agent from Ft. Myers, or we'll even possibly take an agent from Sarasota who works counterintelligence, but who has been an experienced criminal agent but who has no contact with a law enforcement agency in Sarasota, or Ft. Myers, or Orlando, or Tampa, or whatever. St. Pete, whatever the case may be. So we try to build in some barriers to preclude any allegations of cronyism, or an inexperienced agent, or anything like that. And these are institutional regulations that are built in, and they are monitored very closely.

The only thing I guess I would conclude with saying is that we work very closely with the Civil Rights Division; they have the ultimate call, and direct the investigation. And we take these investigations very seriously because they do go to the crux of our justice system in this country.

I'll be happy to answer any questions that you may have. Again, I have to reserve any comment—

**Rabbi Agin.** To your knowledge, sir, you indicated that you personally have conducted education programs dealing with civil rights and

how the law enforcement officers should react in terms of civil rights in the communities that they are. To your knowledge have you ever had classes of that nature with the sheriff's department and the police department in this locale?

**Mr. Wubbenhorst.** Yes, I have conducted extensive training a couple of years ago with the Pinellas County Sheriff's Office, at their invitation. And about 3 or 4 years ago I was invited by the prior St. Petersburg chief of police. I came down and I met with he and his senior staff officers, made a presentation to them on civil rights, the FBI's investigative—a much expanded version of what I have given you today, what the laws are and what our statutes are.

I also meet frequently with my counterparts, the legal advisor for all the police departments and sheriff's offices, including the St. Pete Police Department and the sheriff's office. I don't meet frequently with them to discuss civil rights, I don't want to mislead you. But we have an excellent working relationship as colleagues in terms of representing our departments and counsel.

**Rabbi Agin.** Right. But in terms of the policemen, quote, on the beat, you do not meet with them?

**Mr. Wubbenhorst.** About 4 years ago, when I started this training program, I started doing that, and I found out that there was only one of me, and what I did—I just couldn't possibly meet with a zillion other responsibilities that I have, conduct this for officers. So what I did was, I started meeting with first level supervisors, and of the 2,000 plus officers that I've spoken with, I would say probably 1,500 of them have been the corporals and the sergeants. And when I get an invitation—and we send a letter out every couple of years to all chiefs, all sheriffs, reacquainting them with us and reinviting them to extend us an invitation to come down and train them—my preference, partly because of manpower limitations, is to meet with first level supervisors, the corporals and the sergeants and the field training officers who are always going to be out on the street, and who have, particularly on younger officers, have a very great effect and impact on the training of those younger officers. So I try to get to the first level supervisors. That's manageable in terms of our own manpower limitations.

**Rabbi Agin.** So we really don't know for sure that your words, your pearls of wisdom actually filter down to the man on the street, to the people?

**Mr. Wubbenhorst.** I only hope, Mr. Chairman.

**Rabbi Agin.** Okay. My next question is, do you have a mechanism, an easy mechanism for the citizen to plug into the FBI without feeling intimidated or they're wasting your time, or that this is—it's a no-nothing issue. You have the wherewithal, the mechanism where people can feel comfortable, regardless of what their complaint is,

to sit down with someone and say, "I have a problem," or "We have a problem in our community, can you be of help to us?" In other words, not a put-off type job, but a mechanism?

**Mr. Wubbenhorst.** Let me qualify your question. Do you mean from the perspective of a citizen coming in, or do you mean from the perspective of, say, a community leader, or someone like that, because they might be handled differently.

**Rabbi Agin.** Well, say I came in.

**Mr. Wubbenhorst.** Okay.

**Rabbi Agin.** Okay. Not knowing who I was and what I do, and I have a complaint.

**Mr. Wubbenhorst.** Right.

**Rabbi Agin.** Do you have a mechanism that would allow me to come in comfortably and sit down and talk to someone?

**Mr. Wubbenhorst.** Yes. What we'll do, if you were to come into the FBI office in Tampa, or even St. Petersburg, we have persons in our agency—they're not FBI agents; they're called investigative assistants. They are trained and specifically designated to take complaints.

Now the complaints can range from a citizen walking in saying, "I have been brutalized by the XYZ Police Department." The investigative assistant will take that individual into an interview room right off our lobby, interview the person. And we have, like every law enforcement—we have a complaint form. All the particulars as to that individual are noted. A summary of the complaint is made, and then that form is sent to the substantive supervisor.

Every single complaint form is reviewed by the supervisor. In Tampa, we have a supervisor who has two main areas of investigation on his squad—excuse me, three. One is civil rights, so he dedicates a substantial portion of his time and attention to civil rights.

That complaint, it doesn't just filter around the office, it goes, because—for instance, a civil rights, an excessive force allegation in the FBI coding of violations is a 282. You know, we go from 1 to 300, 400 something. 282 is excessive force by a law enforcement officer under color of law.

This supervisor gets that 282. If it's filed in Pinellas, the Pinellas supervisor. Ft. Myers, Orlando, same procedure. Then the supervisor will make a determination. Is this a credible complaint? Then the supervisor on his or her own initiative can open an investigation, it gets assigned to an agent, and then the agent goes through the very steps that I just—

**Rabbi Agin.** Then the process begins.

**Mr. Wubbenhorst.** And we also take the same investigative assistants, they take phone calls, they review mail. So whether it is telephonically, by mail, or in person it is reviewed by the investigative assistant.

**Mr. Ingram.** Last evening many individuals testified for this body and suggested that there had been no direct field contact by the FBI or any other investigative agency within the Federal Government, within the Department of Justice. Is that a factual statement? Do you know if any of your agents have actually been into the field and have spoken with members of the community in regards to the incident in which we're investigating?

**Mr. Wubbenhorst.** I can only tell you—again, I can't comment on this case. However, it's common knowledge, it's been widely reported in the media, Mr. Wilson has confirmed it, that we do have a full field investigation, and it is absolutely standard investigative—it's smart investigative procedure to go out and talk to everybody who has relevant knowledge about the case.

I can't comment specifically as to why certain people would say that they haven't been contacted. I would encourage them, and I would reiterate Mr. Wilson's response to some questions, for folks to contact the United States attorney, or contact the FBI.

**Mr. Ingram.** I have a few other questions.

**Mr. Wubbenhorst.** Sure.

**Mr. Ingram.** One is, do you also, as we've asked Mr. Wilson, plan to review the documents of this hearing, especially last night's interviews, by your office? Do you plan to get copies?

**Mr. Wubbenhorst.** Recognizing that I'm not the investigating agent, I will pledge this, that if you would send us a copy, I will be happy, and will commit to you that I will refer it to the supervisor and the investigating agents for their review for however relevant it may be to the investigation. I will submit that to you.

**Mr. Ingram.** My final question is, do you believe that there may be many individuals who may have information that may be of value to your agency, but for one reason or another are mistrusting of the FBI and therefore are unwilling to come forth and bring the information, and if you believe that, are there any alternative methods in place that would allow a citizen to bring forth information through another source or another method, so that your office would be privy to the information?

**Mr. Wubbenhorst.** As to the first question, whether it's an organized crime investigation, a drug investigation, a civil rights investigation, when we conduct an investigation and we interview witnesses, the cooperation of the witnesses ranges from extreme to not at all. Sometimes we're able to locate witnesses; sometimes it takes some persuasion to get witnesses to come forward. It's not an unusual occurrence to us. Look at drug investigations. People feel intimidated, people feel coerced, people don't want to be involved for a variety of reasons, and every law enforcement agency deals with recalcitrant witnesses. So



without referring to this specific case, I would not be surprised if there were witnesses, because it would not be surprising in any case. But I have no personal knowledge of that.

As to your second question, we are an investigative agency. We will look under every rock that remotely appears to be relevant to finding evidence that the Justice Department can use, admissible evidence they can use, in a criminal prosecution. So anyone who has relevant evidence, yes, we want to talk to.

I have no power, the FBI has no power to set up an independent entity. We're not empowered by law to do that. We are the FBI. We have very—I think we have a very accessible network, and people who will talk to anyone who comes in with information that remotely appears to be relevant to this case, through those investigative assistants and our agents.

**Dr. Brown.** Yes. Thank you. Just a comment quickly on your answer to the first question. I understand that there is a lot of reluctance in many cases to come forward, but there is a different element involved in the civil rights area, and that is for people who carry the legacy of the 1960s. The FBI—it was not only in fear of other criminals, or getting involved in those general kinds of things at that time, there was actual—the fact that the FBI was on the other side in some cases, and that still is a legacy that is an additional component to those others that you already said.

With regard to the others, it was mentioned earlier, that you mentioned the lack of subpoena power, and you mentioned only the police. It's been my conclusion in looking at a number of things of the police, that the subpoena power is often less valuable with the police who are very experienced at dealing with presenting evidence and talking to people in these situations, than it is with citizens who are very reluctant to come forward and be witnesses, but will when they are subpoenaed. And sometimes the subpoena is an excuse, if you will. You know, "I have to go, folks, because I've been subpoenaed, I don't want to risk myself." So is there any likelihood that there will be subpoena power in the reasonable near future, to be used—

**Mr. Wubbenhorst.** I understand your question. I don't want to sound—talking bureaucraticese, but when we go out and interview witnesses and interview the subject officers as part of our investigation, those are voluntary interviews.

Let me give you a hypothetical. Say we go out and interview someone and that individual might say, "I don't know, I'm afraid of some people in the community, I'm afraid of the police, I don't trust you, the FBI." But they might imply or they might even say, "but I will respect the lawful power of a subpoena."

Well, at the point that a subpoena might be served on that individual, it has gone to the Justice Department and has come back, and a Federal grand jury has been convened which has the subpoena authority. So at that point the subpoena must be honored, whether it's a police officer or whether it is someone in the community. But you're aware of the grand jury secrecy rules; I can't comment on that in the instant case at all.

**Dr. Brown.** Okay. The other one, I'd like your comments on it. My experience on a lot of cases similar to this is that citizens who are giving information don't always understand what information they need to give in a particular area. The analogy is, in an employment discrimination complaint, some people will tell how badly they're treated, they forget to tell you how differently they're treated; and so then the case fails.

You have an element of conspiracy to get at in some of your Federal civil rights enforcement. Is there any attempt being made to educate the people as to what is involved in that conspiracy and what are you looking for, the people to have—I'm concerned that people will say things, but if it's an individual act of an individual officer, then it may not be a Federal violation, because you have to have that additional element of conspiracy, whereas if people know, well, what's involved in getting the conspiracy aspect, then they may have other information that they would give, that they don't think to give, because they don't know.

**Mr. Wubbenhorst.** I understand.

**Dr. Brown.** And I'm just questioning, are you doing anything to educate people to the complications?

**Mr. Wubbenhorst.** Let me put it this way, sir: By assigning an experienced agent to the—agent or agents, larger cases, you have to have a number of investigators—a good agent who does an interview doesn't go out and do an interview in the abstract. I mean, obviously, in the interview you can't tell the person you're interviewing about where your investigation is. But it's absolutely good interviewing technique to let the individual know beyond the obvious of who you are and why you're there, what information you're seeking and the context of the case. These are not adversarial interviews. When we go out and interview people, especially in a civil rights case, we want to talk to witnesses who may have pertinent knowledge. We're going out there in a conciliatory way. We're going out there aggressively, but we want that information. We want the body of knowledge so that we can complete our investigation and give those prosecutors in the Civil Right Division the largest amount of information that we possibly can.

So, again, my specific answer to your question is, I would hope that an experienced agent on every single interview that he or she does gives that witness all the relevant information, so the witness

can give as much relevant information, even if the witness doesn't know where this fits in the case. I've had many situations, as have all agents, where a witness says, as you're walking out the door, saying goodbye, "Oh, by the way, I've just remembered something." And that is sometimes the most important thing they could have said. But something keyed them. They got focused in your interview; they got on track. You built up the rapport and a trust between the agent and interviewer and the interviewee, and you're able to get the relevant information. Every agent could tell you of situations like that.

Dr. Brown. I would urge that there be some community education of what's involved in a Federal case like this. That's been very helpful in some areas in Miami. When in fact the cases couldn't be made, the fact that more people began to understand what the limits of Federal law were, was helpful. But it also can be helpful in getting the right kind of evidence, also.

Mr. Wubbenhorst. We have also—and I'll just say this as an afterthought, we have given out a number of completed civil rights investigations. Once they are completed, I mean no further judicial action, either prosecution is declined or the case has gone full circle and gone to prosecution with a guilty or not guilty verdict, whatever that may be. Freedom of Information Act requests are filed, they are routed through the Civil Rights Division because they have the yea or nay authority to pass on whether or not a particular investigation is released, and then they are disseminated pursuant to the Freedom of Information Act. So everything that went into this can ultimately be disseminated to the public.

Ms. Littler. What does one have to do to become an experienced agent?

Mr. Wubbenhorst. It's a combination of longevity and case work experience. For instance, an agent who has been a field agent for more than 5 years, who has worked a variety of criminal investigations, and especially an agent who has been experienced in conducting civil rights investigations, perhaps preliminarily as a second chair, and then later as the principal case agent assigned to the case.

Ms. Littler. Thank you.

Mr. Eng. Mr. Wubbenhorst, given the fact that in many of these cases they are very emotional and people may be reluctant to come forward, and you always have the possibility of recalcitrant witnesses, are there any time limitations that would preclude an investigation by your bureau, or action by DOJ or CRD that these people should be aware of that might—or give them cause to say maybe I should step forward earlier then? Are you aware of any time limitations, and what are they?

Mr. Wubbenhorst. Well, I guess I'd address time limitations in two ways. First of all, inter-

nally, between us and the Justice Department, between the FBI and the Justice Department, there are extremely urgent time considerations to get the investigation completed and up to Justice for the Criminal Section's initial review and assessment. I think the time limitations you're referring to are the Federal statute of limitations, which can vary by violation. It's generally going to be 4 or 5 years from the date the incident occurred before the Federal statute of limitations expires. That's set out in law.

Mr. Eng. You made a comment earlier that after the investigative assistant—I believe that's what you referred to them as?

Mr. Wubbenhorst. Yes, sir.

Mr. Eng. Conducts an investigation of a potential complainant for a victim in a civil rights case; then the form is turned over to a supervisor who determines if there is a credible complaint?

Mr. Wubbenhorst. Right.

Mr. Eng. Without going through the involved process that you took so long to inform us of, and I'm appreciative of that, how can a supervising agent make a credible, a reasonable judgment as to whether or not the complaint is credible?

Mr. Wubbenhorst. I'll cite you an exact situation, without naming names, that has occurred on a number of occasions. Someone will come in and say the XYZ Police Department is being brutal against its citizens, and the individual says, "I want to see an agent or employee to file a civil rights complaint." An investigative assistant comes out and the investigative assistant will commence the interview, get all the background information. And now we have a police department named, we have a statement alleging violation.

Now we have to learn some details, the investigative assistant does, and the next question is, "How do you know this?" thinking, "Have you seen it? Did you observe it? Have you been told by eyewitnesses?" and they'll say, "I'm getting beams from Mars." I'm being truthful. I'm not being facetious with you. That's not a credible complaint, okay? We do get those, and it takes time. The person comes in, did not appear to be mentally unstable, and it's not until we get to those points.

But I'll tell you this, and I know this for a fact, we err on the side of caution. If someone comes in, we'd rather conduct a preliminary investigation, have an agent interview the complainant or victim, if they happen to be different people, and go through some of the preliminary steps and then have the Justice Department say it's unfounded.

We're not clairvoyant. From the supervisor, we can't say, "Well, I don't think the XYZ Police Department did this." We don't make those calls. If a credible complainant comes in and states with some specificity and facts an incident, a date, a pattern of activity that can be investigatable or retrievable through reports, then that is a credible

complaint. And it doesn't matter whether that person is wearing rags or a thousand dollar suit, that supervisor is looking at the complaint form; are there facts here, a) that warrant investigation, that b) may have prosecutive potential.

So that's what I mean, a credible complaint. We get some strange things happening, just like every law enforcement agency does.

Mr. Eng. All I'm saying, my concern is, in light of the concern expressed by the other members of the panel, that you lose a personal eye contact in interviewing a witness, and there are certain incidents of body language or the way—inflections and tone, that you can pick up in conducting an interview that might—that you may lose because of the cold analysis on a paper, and I was just wondering if there's any way to get around that.

Mr. Wubbenhorst. Yes. It's not an infallible system. I mean, we're—could we assign an FBI agent to sit in the office all day rather than be out investigating cases just on the prospect that someone may be coming in? So we train investigative assistants to focus on these cases, and err on the side of caution, and write a sufficiently detailed and factual—

I'll give you another for instance that's not uncommon. Someone will come in and say, "Well, I think the St. Pete Police are too rough," and we'd say, "Why?" Or they would say the Tampa Police, I'm not specifying anybody. And they would say, "Well, I've driven by a traffic stop and it looked to me like the officer was being too aggressive," or something.

We would say, "What day was it?" They would say, "Well, sometime in the last 2 weeks." "Where?" "Well, somewhere in south St. Pete."

So, again, we have to have some specificity as to what have we got here, what is the nature of the complaint and the specificity. And it's not all cranked out on a machine in an assembly line. There's good judgment in every level of government or corporate work, and at some point in time we have to trust in the judgment of the supervisor and later the investigating agent to make the right call.

Rabbi Agin. Mr. Ford?

Mr. Ford. Yes. I would be interested in some of the demographics of your office, and other than custodial and clerical support, to what extent does the demographics of your office reflect that fact that in your jurisdiction there are significant numbers of blacks, Hispanics, Asians, and, of course, both genders? To what extent in terms of investigative assistants, administrative policy making, and so forth does your office reflect the demographics of the area it serves?

Mr. Wubbenhorst. That's a very good question, but I'm not prepared to answer it today. I didn't prepare any statistics. That information is a public source. It can certainly be retrievable by the Commission, and we would be happy to provide

it to you, but I don't have it today. I didn't prepare in my statement to address that.

Rabbi Agin. Could you arrange to have that to us?

Mr. Wubbenhorst. I will.

Rabbi Agin. Okay, thank you very much.

Ms. Lee?

Ms. Lee. I've a couple of questions. The first one is, do you have any information on, say, for the last 5 to 10 years, the numbers of civil rights violation complaints filed with your office from St. Pete, and what is the status of all those complaints?

Mr. Wubbenhorst. Again, I will have to pull that out of our statistics. It is retrievable, and I'll be happy to supply that to the Commission.

Rabbi Agin. Please do.

Mr. Wubbenhorst. To the Committee.

Ms. Lee. And you also mentioned that you also investigate complaints without an actual person filing the complaint. Let's just say you read about something in the newspaper. And in last night's testimony many people had talked about the incidents that happened the last few days. Are you going to assign an investigator to investigate those, assign an investigator to investigate what the community alleged happened in the last few days?

Mr. Wubbenhorst. I haven't read the newspaper article of which you speak. However, since we will be given a transcript of last night's hearing, I have committed to you that I will make sure that it is provided to the supervisor of civil rights. I'm the chief counsel, so I don't assign cases. The supervisor of civil rights cases, I will get that testimony in his hands and then he certainly has the option to open cases or to consult with the United States attorney to see if there is the potential for prosecution, or prosecutable violations.

Ms. Lee. One more question, if I may, on the civil rights training that sometimes should go down. Do you think it's helpful or even necessary for local law enforcement personnel to go through regular—not training, but workshops to really understand the ever-changing civil rights protection the people they're supposed to serve have? It seems that right now they don't have to go through regular training.

Mr. Wubbenhorst. You're speaking of local law enforcement?

Ms. Lee. Local law enforcement.

Mr. Wubbenhorst. That's probably a question more properly directed to the Florida Criminal Justice Standards and Training Commission, since they set all the training requirements. And you are going to have speakers here today from the Governor's office and the attorney general's office, so that would probably be a question more pertinent to them.

I can tell you that we have—every FBI agent gets 16 hours a year of legal training that I

personally conduct. And as part of that training every year, FBI agents are trained in civil rights, and I know that because I train them. So from the FBI, which I am counsel for, we do train on civil rights. What training State officers get would more properly be directed to the State agency, Criminal Justice Commission.

**Ms. Lee.** But don't you think that would be a better uniform policy if the Federal level people—

**Mr. Wubbenhorst.** Let me not answer that, because then you're asking me to comment in an area that I'm really not—I don't know what training they get. I only know what training we get, and what civil rights training I have given to over 2,000 officers over the last 4 years.

I should also note, I've also met with various interest groups. I've provided some training to various community groups as my time has allowed, and I've done almost 150 community people in various groups over the last 4 years, but it's very difficult to schedule that in.

**Mr. Doctor.** I have a couple of questions that I'd like to ask. I know you are restricted in terms of what you may be able to say about some of what I've got to ask you, but we did hear a lot of information last night, or allegations last night made which clearly suggest some horrendous things took place in the city, particularly on the day of November 13th, I believe.

The allegations suggest, for example, that folk in this community, or groups in this community, particularly black groups, are prohibited from assembling in public parks, particularly on the south side of the city. Allegations were also made that arbitrary decisions were apparently made by law enforcement officers on the streets regarding, quote, unlawful assembly, end quote. And obviously a lot of allegations were made regarding the incident at the Uhuru headquarters, as it relates not only to unlawful assembly allegations, but also the whole question of the use of gas or Mace.

I'm a bit concerned when I hear that these allegations are being made, and I also hear folk indicating that they've not been contacted, that they have not been interviewed, that they have not had an opportunity to share their experiences on that particular day, especially with law enforcement officers in this area, particularly Federal law enforcement officers, because the allegations, obviously, are being made against local law enforcement officers. I don't know to what extent you can respond to this, but have you or any of your people made any concerted efforts to contact people who were actually on the scene at the Uhuru headquarters on the 13th of November, in the aftermath of the confrontations and the incidents that occurred on that particular day?

**Mr. Wubbenhorst.** Yes, I understand your question. I can't answer it because I don't know, true, whether or not that has been done. Let me

say—and this sort of goes back to how we get into cases. If the supervisor became aware, publicly, whether media, or complaints made to the office, that potential civil rights violations had occurred, that supervisor is empowered to initiate an investigation.

I truly do not know a) whether he's aware of it, b) whether or not an investigation has been initiated. If an investigation has been initiated, as I said, the normal protocol would be to go out and talk to the aggrieved parties, the victim. So then we would all know. So if that has not been done, then my conclusion is—

**Mr. Doctor.** Well, my conclusion is—I'm sorry for cutting you off. But the president of Uhuru, last night, the local chapter, gave indication that she was obviously present on that particular day at that headquarters, and that she has not been contacted by the FBI or any other law enforcement agency, outside of the local law enforcement officials.

**Mr. Wubbenhorst.** I can't begin to address the specific Uhuru situation, not only because it relates to this case, but also because, even if we didn't have an investigation ongoing, I don't know what the facts and circumstances were.

**Mr. Doctor.** Sure. I understand.

**Mr. Wubbenhorst.** If gas was used, was there a reasonable perception by the police that they were under threat? I mean, there's so many variables that have to be looked at in the light of day.

**Mr. Doctor.** I understand. We will make available to you a transcript of last night's proceeding.

**Mr. Wubbenhorst.** I would also offer to the Committee, the Commission, that in your transmittal of that, if there are specific areas of testimony that cause you specific concern, please feel free in a transmittal letter to highlight those areas, and offer us your conclusions and opinions, because we solicit facts and information. That's what we deal with, facts. And based on the testimony that you heard last night, by all means, comment on it, point it out to us, and we'll look at it.

**Mr. Doctor.** Okay, my final question, Mr. Chairman, has to do with whether or not you have been able to identify, as I have, a cadre of police officers within the St. Petersburg Police Department who have three, four or more allegations of misconduct lodged against them, and if in fact you have been able to make that identification, are there any plans to deal with that situation?

**Mr. Wubbenhorst.** Again, putting aside the instant case, but let me talk in the context of which I have been discussing this. Number one, when we initiate the investigation we check our own indices, our own indexes, for complaints or any information

regarding complainant, victim, and officers known to be involved in this incident as potential subjects.

If we have other complaints against these officers in the FBI's file—in other words, if it has come to the FBI's attention—those names are indexed to whatever prior allegations there were. It might have been just a complaint form; it might have gone up to the Justice Department and become a full-fledged civil rights investigation. That all becomes very relevant to an investigation, and, in fact, is made known to the Criminal Section of the Civil Rights Division.

Secondly, if we go to the department and we get the internal affairs report—I've read many, many of these IA reports, and they always mention how many prior allegations, or if this is the officer's third allegation of excessive force, because the IA division generally wants to call it to the chief's attention. If you've got a problem officer, that's their job, is to protect the integrity of the department and the law enforcement process.

So that's a long-winded way of saying there are a couple of ways, either through our own FBI internal resources, or by reviewing an IA report, that either we or DOJ, if we're not able to review it because of the *Garrity* problem I referred to earlier. There's a couple of different entryways that we can know whether this is a part of a pattern of practice. Because always looking at that is this an isolated incident, or is it part of a pattern of practice, and that's very relevant to our investigation.

Rabbi Agin. Sir, just a final question, and I'll let you go. It was reported last evening, and I read this statement to you: "The sheriff's department, the FBI, police helicopters in force with heavy artillery." Who would make such a call? Would that be your office making that call, would it be the sheriff's department, would it be the police department?

Mr. Wubbenhorst. Would you just read that quote again?

Rabbi Agin. Yes. Quote, all right. "The sheriff's department, FBI, police helicopters in force with heavy artillery." Okay, who would make such a call? In other words, would that be the sheriff's department who would be gathering everyone together? Would it be the FBI? Would it be the police department? Who would be calling the shot to assemble all of these people?

Mr. Wubbenhorst. Let me ask a question, is that a quote from a law enforcement officer, or is that the reporter's—

Rabbi Agin. No, this is a quote from a young lady who spoke last night, okay? And she indicated very clearly, very succinctly, sheriff's department, FBI, police helicopters in force with heavy artillery.

Mr. Wubbenhorst. Right.

Rabbi Agin. Now, who would make such a call, would that be the sheriff's department, the police

department, or the FBI bringing all of this together?

Mr. Wubbenhorst. Right. Each agency generally makes its own determination based on the scene of what weaponry or fire power—I was an infantry office during one of my military tours, so artillery means something very specific to me.

Rabbi Agin. Right.

Mr. Wubbenhorst. I assume the young lady meant heavy duty law enforcement related weaponry and—

Rabbi Agin. The language, I understand.

Dr. Berry. Just so we can clarify that.

Rabbi Agin. Yes.

Mr. Wubbenhorst. In the case of the FBI, and I can only speak to the FBI, but it may pertain to other agencies, the special agent in charge, personally, or the assistant agent in charge if the special agent in charge is out of the division—the special agent in charge is equivalent to our chief of police or commanding officer. The special agent in charge must personally authorize and coordinate the use of an FBI SWAT team. And there are certain advanced weaponry that the SWAT team uses, such as automatic weapons, gas, that the special agent in charge must personally authorize a deployment to the field.

The individual SWAT team member may have to make a life and death decision in a nanosecond whether or not he's under threat, but when we deploy the SWAT team, it's under the direct supervision of the agent in charge, or in his absence, the assistant agent in charge, who are generally 20-year plus FBI supervisors.

Rabbi Agin. All right, thank you very much for your time and answering the questions.

Next is Mr. Brian Keppel, is that it, K-E-P-P-E-L?

Dr. Brown. Is the representative here from the Community Relations Service of the U.S. Department of Justice? I don't see Mr. Battles.

Rabbi Agin. Okay.

Mr. Wubbenhorst. Mr. Chairman, could I just add one postscript to the dialogue we just had?

Rabbi Agin. Okay, one p.s.

Mr. Wubbenhorst. FBI agents were not deployed out to the incident as part of—the FBI SWAT team was not here, FBI agents were not deployed, or investigators who conduct investigations. The FBI was not a part of either incident on the streets.

Rabbi Agin. Okay. I just read a quote from a young lady—

Mr. Wubbenhorst. Point of clarification.

Rabbi Agin. Okay, thank you very much.

Barbara Kelly? Is Barbara Kelly present?

Dr. Berry. Would you please introduce yourself?

**Statement of Nancy Hawkins, Deputy Regional Administrator, Employment and Training Administration, Southeastern Region, U.S. Department of Labor**

**Ms. Hawkins.** My name is Nancy Hawkins, and I'm the Deputy Regional Administrator for the U.S. Department of Labor, Employment Training Administration, and Director of the Office of Job Training Programs for—

**Rabbi Agin.** Would you spell your last name, please?

**Ms. Hawkins.** H-A-W-K-I-N-S.

**Rabbi Agin.** And your role again, Ms. Hawkins?

**Ms. Hawkins.** I'm a member of the interagency task force and I'm Deputy Regional Administrator for Employment and Training Administration for the Southeastern Region.

**Rabbi Agin.** The United States Department of Labor.

**Ms. Hawkins.** Department of Labor.

**Rabbi Agin.** Okay.

**Ms. Hawkins.** Mr. Chairman, distinguished members of the Commission and the Advisory Committee, Mr. Doctor, we certainly appreciate the opportunity to share with you today what the Department of Labor, specifically the Employment and Training Administration, will do to assist the community in south St. Petersburg to work through a redevelopment effort, to get on with the healing, if you will, and to enhance job training and employment opportunities within the area.

It was indeed a privilege to be a member of the Secretary's interagency task force, which consisted of eight Federal agencies led by Secretary Cisneros, who was charged by the President to develop a plan for Federal cooperation. Now the elements of the plan not only include the commitment of \$20 million, but outline recommendations for coordination of Federal efforts with local leaders, placement of a Federal coordinator on site, and how to staff the effort in the weeks and months ahead. We will return to St. Pete on December 20 to make certain the our plans are, in fact, in force.

The Department of Labor will work within its established systems and framework that are already in place in the State and the community. We intend to use the funds committed by Secretary Reich to leverage yet additional dollars from both the Federal, State, and community to support our particular efforts. Now partners and stakeholders are already in place, and they include the Florida Department of Labor and Employment Security, Division of Job Benefits, the Pinellas Work Force Development Board, and Career Options, Inc., our local delivery agent.

Now this work force development board is in place to design a system to train citizens for workplace skills, economically benefiting the work force employers and the region. The board consists

of a majority of private sector representatives, which has 32 members, and, along with the private sector, we have members from community-based organizations, educational institutions, social service agencies, and local elected officials already within the St. Pete area, and specifically within the south St. Pete area. We have committed \$1.6 million to train adult, youth, and long term unemployed citizens.

In coming to St. Pete with the Secretary, the Department sought to answer three specific questions. The first thing we wanted to determine was whether the organizations that are already in place link services one to another, and if the citizens of the community are involved in the decision making. We found this to be true in terms of their dialogue, coordination, and communication with our employment and training activity. Among those that we actively engage in dialogue include the Ministerial Association, the Urban League, city council, and the Human Services Coalition.

The second question asked was, we wanted to determine if the services provided are available in the targeted community. We found the answer to be, yes, they are.

Now, what has occurred since November 4, specifically. A very active initiative of the Department consists of trying to ensure that anyone needing a service, an employment service, a health and human resource service, could find that service in one location. It's heard that we have a reputation of sending people from one side of the city to another in order to gain a service. Well, as of November the 4th we did set up a temporary job service office at the Enoch Davis Recreation Center, and it remained until the 26th, and just since that time we have registered over 500 applicants and made referrals to train. We intend to expand that. We recently had to close the facility that was in downtown St. Pete, but this office has been set up specifically within the south St. Pete area, and has proved to be very workable and beneficial.

Now, regardless of the needs of most communities, there are never enough Federal dollars to meet all of those needs. But the Secretary and Assistant Secretary were very encouraged by the activities of a project funded by the Housing and Urban Development Agency, and we've heard of that specific program, and it will be sustained and enhanced by the Department of Labor. The name of that program is Youth Build. The Secretary has committed to do this by providing up to a half-million dollars to sustain that program until it can be actively reinstated by HUD. Now this is a very valuable component, we believe, of the redevelopment effort, because it specifically addresses many of the needs of the youth within the community.

There are three or four components of the program. One involves young people in meaningful

working the community, constructing or rehabilitating much needed homes for low-income people. It also includes an academic fund, where they assist students to prepare for the high school equivalency exam. It has a secondary training component and/or college, where trainees alternate a week of classes with a week of onsite construction training.

The third component is one of employability skills training. Very often we hear from—we heard from employers within the area that, yes, while it is possible to engage residents in employment opportunities, it's often very difficult to retain them, and we find with sufficient employability skill training, which works to build sound work habits and decisionmaking skills, and also how to manage time effectively, will help them to develop long term career plans. And, finally, there's also the component which assists the participants to recognize innate knowledge and abilities.

Now, specifically, the Department has proposed and will pursue with the President's approval, several activities. I just want to mention two or three of them. I already talked about establishment of the job center at Enoch Davis, and within a couple weeks we will try to reinforce any of the offerings that you would ordinarily find in a one-stop center there in the Davidson Recreation Center.

We also intend to market a couple of programs that the Department sponsors. One is entitled the Work Opportunities Tax Credit, which will encourage business to hire people from the specific area. And the second is a little known deal, a sponsored Federal bonding program which will ensure or help secure employment for ex-offenders in any particular business.

Now there has had significant experience in helping long term unemployed in certain affected areas, and we have a specific title that deals with helping dislocated workers and long term unemployed. And the State has submitted an application, and we have pledged to accelerate the review of that application for additional services for south St. Pete.

And, finally, through some other unfortunate circumstances, like L.A., we have experiences in exemplary projects that we have shared with people in the area, and we will expose them to other exemplary programs here in the State of Florida, in the region, and also in the Nation.

Now the third and final question we asked of our stakeholders and participants was, Will you have the ability to sustain this effort once the Federal dollars are gone? We have seen, over the years, especially last summer, when our summer funds were threatened for a program that has been a part of the employment training system—it's a summer youth program that was severely threatened—we saw evidence of community support and

placement of young people, a pledge of placement, until funding was finally released.

So we believe the City of St. Petersburg's ability to sustain the effort once our dollars are exhausted will be in direct relationship to the degree of success attained during this period of Federal support. Once a cycle is broken, the capacity for a city to sustain its own development is always greatly increased.

Finally, we will continue to listen and to be guided by the dialogue of the community. Stakeholders and partners of and within the Employment and Training Administration of the Department of Labor are committed to staying until the seeds actually bear the fruit in the south St. Pete community. Thank you.

**Rabbi Agin.** I have some questions, we all have some questions. The office that you're going to establish, or that is established, you indicated it's temporary, it's not permanent; is that correct?

**Ms. Hawkins.** That's correct.

**Rabbi Agin.** Okay, and that is in the south side?

**Ms. Hawkins.** Yes, it is.

**Rabbi Agin.** And the training program is in the area of construction only?

**Ms. Hawkins.** No. Actually I quoted the \$1.6 million that's already been allocated to the St. Pete area. That includes training and employment opportunities for adults. It includes training and employment opportunities for out of school youth, and finally for dislocated long term unemployed.

**Rabbi Agin.** But what I'm referring to, the training, would that be in the area of computer skills?

**Ms. Hawkins.** Yes, demand skills.

**Rabbi Agin.** And that is being set up on the south side. In other words, those people do not have to travel to the other side of town to get that training; is that correct?

**Ms. Hawkins.** Very true.

**Rabbi Agin.** And that's going to remain there for what length of time, until your funds run out?

**Ms. Hawkins.** Well, we are right now currently funded through July 1997, and we don't anticipate not being funded thereafter, so the dollars are there.

**Rabbi Agin.** My concern is, and the Committee's concern is that this—the giving of the money by the government is not a Band-Aid. You know, a few months, we'll put a Band-Aid on, and after a few months, goodbye and good luck. Also, there are people in that community, and I heard from some of them last evening, who are people with master's degrees, who are people with Ph.D. degrees, doctorate degrees who are having difficulty finding a job, and it's incredible in this community being told they are overqualified, underqualified, somewhat qualified.



You know, I have a very distasteful feeling about these things. Will you agency do anything to help these knowledgeable people who have the academics, to get a job, a position of standing? Because if these people are able to work, they will enhance the economic factors within the community, and business people will want to come into the community to establish businesses if these people are economically producing people, and that's my concern. I wouldn't want someone, "Okay, now you can go out and make \$5 an hour." That should not be the bottom line.

Ms. Hawkins. I agree. I agree. And, unfortunately, it's not unique in terms of unemployment to St. Pete. I can tell you that at the Frank Pierce Community Center we can go on line to the America's Job Bank, and make known to those applicants opportunities that are available.

A second thing that we will do very soon, and I don't want to preempt the Governor, because he may have some announcements about specific things that the Department is going to do, not just the Department of Labor, but other departments throughout the State government. But we have, just say within the components I've described as far as Youth Build was concerned, a training and employability skills and such, that we will go—we have said that we will go to the employers and assist them to ensure that they don't have difficulties in recruiting, they don't have difficulties in screening, and ensuring that once a person is employed, we will give them as much support as we can to make certain they get on the job and stay on the job.

Rabbi Agin. When HUD does some redeveloping here, and that's the south side, I would hope that the Labor Department would be insisting that they use people within the community so they can get the dollars into their pockets, and not bring in outside contractors with outside help and maybe a little spattering here or there of somebody living in the community. That usually happens.

We don't want to see these people hurt more than they've been hurt. It was very depressing yesterday listening to these people. There was hopelessness, there was despair, there was downtrodden feelings. That needs to be lifted. And the Labor Department can do a lot by enhancing the ability of these people to work and have some pride.

Ms. Hawkins. I understand what you're telling me. I was here. I heard—

Rabbi Agin. I'm not scolding you. I'm just trying to express my own personal feeling of the feelings that were given to me, given to us last night by the people in this community.

We have some questions. Mr. McDuffie first.

Ms. Hawkins. Let me—and I'll answer every question that I can, Mr. Chairman. Let me say that

an interagency task force for this type of effort is a unique experience. I said when I left St. Pete a few weeks ago that I learned an awful lot, and I have been an employee of Federal Government for 27 years, about what the respective agencies could do in a cooperative effort if they wanted to, and I think they're in line with the hope of what we can do in south St. Petersburg, because the Department of Labor in concert with Justice, EPA, EDA, and anybody who has dedicated money for employment and training, we will be at the table at the same time, so that we won't duplicate our efforts, and we will maximize our resources.

Rabbi Agin. Okay, because we're going to be coming back again and again to monitor—

Ms. Hawkins. So are we.

Rabbi Agin. —and if we see it's not happening, we're going to stand up and say what's happening here.

Ms. Hawkins. Good.

Rabbi Agin. Okay, Mr. McDuffie, please.

Mr. McDuffie. Basically, I've been in the construction industry for about 28 years, and I've been in business for 24 years, and within this long period of time, the Department of Labor, as it relates to Title 7, in Executive Order 11246, as it deals with apprenticeship training, especially in Florida, because Florida is a certified State that everything has to be certified, wherein the Youth Build program, if I read that, and some of these other programs that you've been sending under the Partnership Act since 1983, have been targeted for short term training.

And until we get into realizing that the State of Florida we have to do some apprenticeship training, long term training to bring these people so they can get in business for themselves, as long as you're just trying to do short term training, come in and spending a million dollars that you know is just not going to go forth, until we realize that we have a problem with—most of our journeymen in Florida are over 40 years old, maybe over 50 years old. So our young people don't know how to do anything.

Florida passed a law in 1973 that says that the masonry contractors and all these other contractors have to be State-certified general builders or residential contractors, so therefore they have eliminated the opportunities for blacks to learn something and create businesses.

I've read Florida's Work Force '96, and it says in there that they're going to do apprenticeship training, but so far they haven't done anything in the State of Florida. And I asked the Governor, who I been talking, to the Governor since he became the Governor, about what are we going to do about long term training, instead of putting money in these 2-year, 1-year programs, and the junior college absorbing all the money, giving people certificates. When they give you certificates,



you cannot work in the State of Florida because you got to have apprenticeship training, long term training. So we need to address that issue, and hopefully you'll address that.

**Ms. Hawkins.** We will. And I will certainly bring it to the attention of the regional director for our Bureau of Apprenticeship and Training.

Let me say that as far as the development of any plan, be it for short term training or long term training, it's within the purview of this work force development board that is already in place here in Pinellas County. They can determine, after they assess what the job needs are, precisely how long training must occur. That is an individual regional decision. So, you know, we don't have to have 3- or 4-week training periods. It can go for up to a couple of years.

**Mr. McDuffie.** Well, that's what—well, see, most of the apprenticeship training in the construction industry is from 4 to 6 years.

**Ms. Hawkins.** True.

**Mr. McDuffie.** Professional training is 2 years. So the problem that we're having in Jacksonville is with the regional thing that they designed and got out of the—now they're going to the regional, they're not addressing the long term training because they're set up with all these small 2-year training, and they're going to put the money in that. So, hopefully, with the Governor come out with it, I would address the problem to him, that we have a problem with long term training, that one person, if he's trained properly, can go in business for himself and hire 15, 17, 100 people. But if you keep putting money in these short term training, and you're not really bringing in the whole community; you're not doing anything for our community.

**Ms. Hawkins.** I agree.

**Mr. McDuffie.** And Florida is different than any other State in the country, and we need to realize that when the Labor Department comes to Florida, they need to realize the laws that we have in place in Florida, and how we been blocked out because of the legislators and the laws that are passed against the people in Florida.

**Ms. Hawkins.** I can understand your point, Mr. McDuffie, because at the regional office we are responsible for these States, and they all differ in how they implement the program.

Now, some might look at our employment and training system and say, since 1983 we have had the Job Training Partnership Act. Well, we know that before that we had the Comprehensive Employment Training Act, and then we had all the contract programs. So we're not a Johnny-come-lately agency in terms of employment training, planning, or delivery, and we try to be sympathetic to a particular local situation, and we believe we will be here in St. Pete, because along with whatever comes out of the plan for addressing this

redevelopment effort, the Secretary has already said that he will use his waiver authority to expedite and implement whatever type of training program that the community deems appropriate. And that's something new for us. That was not in our law. That came in our most recent appropriation language. So we think that this will help us to assist, Mr. Chairman, the people for a long term, not a short term.

**Rabbi Agin.** Yes?

**Ms. Reynolds.** I heard your response to the Chair's expression of concern of those who came before us last night and stated that it was not a matter of not being qualified for the position, and you said we would be able to tap into computers and pull up these opportunities and tell them where they are. But I think their point was not necessarily that the opportunities were not there, opportunities were denied. So will you have an element of your program that deals with the blatant denial of the opportunity to individuals because of color, gender, what have you, not that the opportunities are there, opportunities are denied?

**Ms. Hawkins.** I understand what you're saying, and that is not within the purview of the Department of Labor, okay? That is with the Equal Employment Opportunity Commission, so that arm would address those allegations.

**Ms. Reynolds.** I heard you say you were all going to come to the table together, so will they all be at the table making certain that this element is plugged in and taken care of?

**Ms. Hawkins.** We can certainly contact the Director when we get back to Atlanta and invite him to the table, and back here with us on December 20, if deemed appropriate, yes, we can.

**Rabbi Agin.** Brad, you had—

**Dr. Brown.** Yes, I do. I hope you will follow through, because I think it's important that EEOC be part of the Federal partnership. And I commend you for what you've done to date, and 500 persons registered, I hope the media pays attention to that, and does away with the stereotype that people don't want to work. I also hope that both the individuals involved who get jobs and those working realize that those jobs are bought and paid for with somebody's life. So much has happened in the past, and the community also realizes that it will all disappear very shortly, when people's memories fade, if continual pressure is not kept.

Certainly, the Federal coordinated task force is a unique thing and probably much more important than just the seed \$20 million in terms of the long term. I might note that that was proposed in Miami in 1980 by the Carter administration, very similar to what was done here, and then, of course, Carter wasn't elected, and nothing happened. So this is a real attempt to see whether that sort of thing can work, because it didn't get a chance to

get off the ground in Miami—they were as about to this stage as you are right now when the administration changed.

I serve on a coordinated Federal task force, and I know how difficult they can be. But I also am concerned that when you went beyond your discussion of the Federal task force, you obviously talked about the Department of Labor's partnerships with the State, and, of course, those are well-developed and established in law.

But just recently, a year ago, with the Unfunded Mandates Act, it is possible to have a true State-Federal task force, with the State as full participating members, which, previous to that, was not allowed under the Federal Advisory Committee Act. But now it is allowed, and I'm concerned that the State is not yet a full partner in what I read. I mean, they're linked in because they're linked in separately. But they are still linked in separately, as opposed to sitting down at the table in a true State-Federal task force, and that is legal now, and I serve on one. And it's a new way of doing business, and it is needed—it is important to make it work here. Are there plans to bring the State onboard as a full member, so it's not as the President announced, a Federal task force, but a State-Federal task force?

Ms. Hawkins. Yes. Yes, it is. And I think the Governor or his representative will address that, Mr. Brown.

We are fortunate, I think, within the Department of Labor, Jamberson [phonetic] is a Secretary of—for the Department of Labor, and a native of St. Pete, so he knows the area, he knows the problems, and he has already committed resources, even though they are our resources, the Federal resources, to kind of refurbish what can be offered here in the St. Pete area.

But I was proud when I came to town with the interagency task force to have all the local colleagues from the State Department of Labor, as well as the local entity, Work Force Delivery people, with me, to take me around to the affected area, to the citizens of the area, and to actually put in place at the Franklin Pierce, that's where we are now, from Enoch Davis to Franklin Pierce Center, this active job service component, which there hadn't been one in that part of St. Pete.

They are also establishing some focus groups, where they will continue to listen to the community, not only the people but the agencies within the community as well. So we expect a full-blown partnership to evolve very soon with the State and the local level as well.

Dr. Brown. In addition to adding EEOC, I would urge the people look at other Federal agencies, because there are often Federal agencies—one has obviously grabbed the immediate Federal agencies that tend to deal with the human service development, business development. But,

for example, the Department of Transportation is an important generator of jobs when things are done. And so there are other agencies that aren't immediately thought of, as EEOC wasn't, but need to be at the table, and I hope that plans are available to look very broadly at agencies who may not have their main function in the area, but nevertheless are doing significant business in this area, or that should be spending a share of that contract money, etc., and it does require—as a Federal administrator, it requires a change in mindset to work in this kind of arena. But I certainly applaud you for this. This is a unique experience and it needs to be made to work.

Ms. Hawkins. Thank you.

Rabbi Agin. Any other? Mr. Ford?

Mr. Ford. Yes. You mentioned that you teach people demand skills. I take that to mean that if a corporate entity contacts you and says that we will have or we do have X number of jobs, people need this level of training, then you buy the people to teach that training from some kind of consulting firm or whatever.

Ms. Hawkins. Community college.

Mr. Ford. Right, right. One last question then, it's a tough question, but I think it goes to the heart of what we're dealing with, and it's something that your office does not deal with. This is just based on your experience, and it's not a judgmental question, but what experience have you had, or your office has had, in trying to help those who are already trained but are denied opportunities, as Ms. Reynolds said, because of their political stance, or because they dare to challenge the status quo. I ask that question in the historical perspective, that in this country, especially in the turmoil of the sixties, people who dared to challenge the status quo not only didn't get opportunities, they were fired from jobs that they held. I had that experience personally, of losing a job in the sixties because I dared to challenge the status quo.

And my point is, as long as the status quo is what it is, which is denial of opportunity based on group belonging, people need to challenge it. Have you had any experience in convincing the corporate dinosaurs that it's good business practice to hire people that can function, and as long as their activities are not outside the limits of the law, then they should be hired based on what they can do for that company, but still be allowed to express themselves freely in this society? Have you had any experience with dealing with that?

Ms. Hawkins. I have. Personally?

Mr. Ford. Yes.

Ms. Hawkins. I'm a child of the sixties as well, and I started my career with the Employment and Training Administration, as director of a local job training program for out of school youth, okay? So it goes back to that point, and in recognizing the inherent worth of what a person can do.

Now I use that sixties experience to bring us all the way up to where we are now. Back in those days, I can remember, as director, I had to actually go and beg for opportunities for my young people, from employers, from educators, from this very system that I'm a part of right now. I can recall that very, very vehemently.

Today, if you sit, and we often do, in a forum with the private sector, they consider themselves as the primary customer of the Department, and the Department recognized that back in the seventies through some legislation, where we started to bring the private employer into our network. And, if you can recall, we had our private industry councils, where many of them still exist.

But that's what this Work Force Development Board is, okay? Not only are they a part of it, but they are a majority. They are the majority on this particular board. So we recognize where our strengths must lie in terms of being able to provide the opportunities to the person that's qualified, regardless of their stance or position, and most of the employers say to us, finally, yes, it's important for a person to have a minimal level of education; yes, that's important.

But what we need more than anything, because we know what training—and oftentimes they provide the training. There is ancillary training you can get at community colleges and such, but we're into an era now where things are so specialized that, even though we may get some basic training, they generally spend billions of dollars additionally to train for their specific industries.

So they say if you can send us somebody who, number one, wants to work; number two, when we talk about those employability skills, has a good work attitude and ethic, we believe that we have a valuable employee. So that indeed has been recognized, at least, by the Department, and we will continue to watch those areas where there seems to be an overwhelming number of people who are qualified but yet not employed. And that's where our jobs and benefits office comes in and where we have all the job opportunities and the services, too, to assist and support people once they get on the job.

Mr. Ford. Thank you.

Rabbi Agin. Linda?

Ms. Garcia. I, too, am concerned about sustaining your efforts, and I applaud you for the efforts that you're making, and that the community is making with you. What is being done to bring the chamber of commerce, private industry, small business association, the parts of the community that traditionally provide employment opportunities, business opportunities, entrepreneurial opportunities for people, so that we can sustain these efforts?

Ms. Hawkins. The Secretary Cisneros, a part of the plan that he presented to the President and

that the President gave a stamp of approval to included an advisory committee. And, in fact, I can tell you that we spent a considerable amount of time talking about the composition of that committee and the number of people that should be on that committee, and the name came out to be 11—5 from the coalition within the community, 3 from the chamber of commerce, and 3 people to be designated by the mayor.

And as I read in the paper this morning, at least two of those three were also from that established coalition that already exists within the community. So they're doing that with that special effort, and, as I mentioned, with our local employment training effort, we already have dialogue with the employer community.

Ms. Garcia. And the Small Business Administration?

Ms. Hawkins. SBA is a part of the plan, and they were at the table, and will make a significant contribution, I assure you.

Rabbi Agin. Ms. Lee?

Ms. Lee. You answered both of those questions I had. I just have one more question. Do you have any statistics in this area in terms of small business ownership, education level of the residents in St. Petersburg?

Ms. Hawkins. I do, and I can provide that to you. I'd have to dig in my briefcase, but yes, I do have some data that I can share with you from the job training plan that was developed for Pinellas County-St. Pete area.

Ms. Lee. I'm also particularly interested in the small business startup, because last night many of the residents talked about the frustration of having businesses started up by someone else. The community itself seemed to be shut out from the whole process, so I would be very interested in finding out what SBA's commitment is in this whole effort.

Ms. Hawkins. All right. What I can do is, I can leave you a copy as well of the plan that Mr. Cisneros submitted to the President that contains all the elements of the respective agencies; the SBA is included in there. The local job training effort emanating from the State, I do believe, will also have an entrepreneurial type of consultative program, initially funds for loans and such for businesses, but SBA has included that in their plan.

Ms. Lee. If I can just ask one more quick question on the private sector involvement and commitment in this area. Have they offered any special incentives to hire local residents after they're trained?

Ms. Hawkins. Yes. Well, one of the Department of Labor's programs that we intend to market—you may recall a targeted jobs tax credit program, where the employer was actually rewarded for hiring someone from a particular

agency? Well, that program did expire last year, but we have another that was put in place effective October 1. OMB has just released the guidelines for that particular program. It's called the Work Opportunities Tax Credit Program, very much like the old TJCTC Program. So the community will be able to benefit from that, the people in the community as well as the employers in the community and outside of south St. Pete.

Rabbi Agin. Okay.

Dr. Brown. Ms. Hawkins, yes, it's my understanding that the SBA has opened up an office here in St. Pete. I'm sure that a number of the other agencies on this task force have also done the same thing. For the benefit of the record could you share with us all of those eight agencies that you're referring to?

Ms. Hawkins. Yes, I can. We're bad with our acronyms, but here they go. I'll give you the acronym, and then I'll give you the—

Dr. Brown. You give the acronym, I'll know the name.

Ms. Hawkins. Okay. HUD, Housing and Urban Development.

Dr. Brown. Housing and Urban Development.

Ms. Hawkins. Right. Department of Commerce.

Dr. Brown. SBA, Small Business Administration.

Ms. Hawkins. Right. Department of Education.

Dr. Brown. OCR, Office for Civil Rights as well as Ed, major Ed.

Ms. Hawkins. Department of Justice.

Dr. Brown. Which, Civil Rights Division?

Ms. Hawkins. No, it doesn't necessarily list the Civil Rights Division. It lists the Community Relations Review Section, Seed Program Funds, or attached to that, we work in conjunction with them.

Dr. Brown. Yes.

Ms. Hawkins. Was that it? And the Department of Labor.

Dr. Brown. Okay, good.

Ms. Hawkins. I think that was all.

Dr. Brown. Yes, I would also caution that some consideration be given to looking at some of these same kinds of problems are afflicting the poor white community here in St. Pete. Amongst my travels throughout the city I've discovered that some of those problems that exist on the south side of the city also exist in poor pockets of this community that poor whites inhabit. So you might want to look at some of those problems that they too are experiencing.

Let me take this opportunity to personally thank you, and to also commend those eight agencies that obviously will be coming in. This is indeed a very unique approach, an approach that I think has implications for the rest of the country, and you guys are certainly to be commended. Obviously, the President is to be commended, but I am particularly impressed with the comments that have been made by Secretary Cisneros, and obviously the other secretaries as well had a roll to play in all of this. So we and I would certainly like to take this opportunity to commend you all.

Ms. Hawkins. Thank you, sir.

Rabbi Agin. All right, ladies and gentleman, it's 25 after 12, we're going to take a break at this point. We're behind schedule; therefore, instead of resuming our meeting at 2:00 p.m., we will resume at 1:30.

Dr. Brown. Before we take the break, Mr. Chairman, is the representative from HUD here?

Rabbi Agin. That's not going to be done in 5 minutes. Sir, well, when we put you on the hot seat, we may not be brief, so what I would like to know, is it possible for you to come back at 1:30?

Mr. Milburn.: Yes, sir.

Rabbi Agin. I would appreciate that.

[Recess.]

**Proceedings  
Afternoon Session, December 4, 1996**

**Rabbi Agin.** I appreciate your coming back. We're a little bit behind schedule. We were supposed to start at 1:30, instead, we're starting at 10 minutes of 2, but we'll still be a little bit ahead of schedule.

Is George Milburn here?

**Mr. Milburn.** Yes, sir.

**Rabbi Agin.** Mr. Milburn, you're the Area Coordinator for U.S. Housing and Urban Development, sir.

**Mr. Milburn.** Right.

**Rabbi Agin.** All right, please go to the hot stand.

**Statement of George Milburn, Area Coordinator,  
U.S. Department of Housing and Urban  
Development, Tampa, Florida**

**Mr. Milburn.** I have some very brief prepared remarks. I have copies for everyone.

I'm George Milburn, Area Coordinator for the U.S. Department of Housing and Urban Development. My office is in Tampa, Florida. I represent HUD for the middle Florida area.

You've asked for information on the status of race relations and police-community relations as they relate to housing. With these brief remarks, my focus will mainly be on housing, the principal mission of our department.

I'd like to begin by commending the City of St. Petersburg and the city council for enacting ordinances to prohibit discrimination in housing, the city administration for the support given to their human relations department in that regard, and Jim Gates, its leader, and their staff for its tireless efforts for the enforcement of antidiscrimination laws.

The city's human relations department, like many other local civil rights agencies, have been about the business of enforcing laws on their own long before their partnership with HUD in 1982. Recently, this dedication to the enforcement of fair housing laws has allowed this city department to become one of a select number in the country to meet the stringent requirements to become certified by HUD as a substantially equivalent agency; that is, St. Petersburg's housing ordinances mirror or exceed the Federal fair housing laws of 1968 and 1988. The fact that this city has earned this designation speaks to the commitment that it has to eliminate discrimination in housing. In fiscal 1996 the city received \$41,000 under its contract with HUD, based on its case closures of housing discrimination in 1995, the prior year.

Complaints of housing discrimination are filed with this city agency or with HUD, or with both. HUD tracks them all. To give you a thumbnail

sketch of the results of this process, I'd like to summarize the volume of complaints investigated locally by this agency under HUD's Fair Housing Assistance Program, under which grant funds are awarded.

For the years 1994, 1995, and 1996, I'll just use the totals. There were 100 fair housing cases investigated locally in St. Petersburg. Fifty-nine were race related, and 10 of those found to be for cause; meaning that those were cases strong enough to take to court, those are cases strong enough that we're confident that in fact the alleged occurrence could be proven.

Obviously, there is a lot of gray in between. Work done by HUD, as well as work done by this HUD-funded local agency, have confirmed that racism does still exist here, perpetuating deep-rooted feelings and attitudes which continue to divide this city along North-South racial lines. There continue to be efforts by those who do not believe in fair housing, who refuse to rent to minorities. The particulars of those cases evidence old and sadly familiar themes, and it probably would serve little purpose to belabor them here.

These investigative efforts by the city and by HUD continue to make a difference, as do the educational efforts of both agencies, and as will the testing program the city is putting together with HUD funding. Still there's is much work to be done.

Moving for a moment to a related bit of data, I must tell you that of the approximately 40 real estate agents in St. Petersburg who have registered with HUD's Tampa office to sell its properties in St. Petersburg, there are only 3 minority agents registered, 3 of 40. I should also note that of the 41 appraisers in St. Petersburg who voluntarily are registered with HUD (licensed by the State and registered to serve as appraisers for lenders originating FHA-insured loans), there are none who have identified themselves as minority. Nearly all have identified themselves as white, non-Hispanic, male or female.

One can only speculate on the causes and the likely results. I think a reasonable case can be made that a real estate sales force, especially, so out of balance with the community's racial composition may well fail to reach customers most in need of their services. In fact, once reached, one may wonder if those services are best provided to those needing those services.

I think this has another flavor. I depart a little from my preparation, and some of the questions raised earlier, I think, lead to this.

There were questions regarding employment, questions regarding job development, and whatnot.

This is, to me, sort of like the donut and the hole, or the old familiar story about the shoe salesman who goes to a country where people wear no shoes, and he returns, saying sadly, "There is no way to sell shoes here," followed by another very successful salesman who says, "Look at this wonderful market."

Well, I think we can, perhaps, in a healing way, look at this wonderful opportunity for a much improved service to this community by doing what we can to expand the number of minorities in these professions.

Still another view is provided by the analysis of impediments to fair housing choice, which the city must prepare as a part of its consolidated plan in relation to its HUD funding. The city is commended for preparing a detailed analysis, one that is heavily documented with census data and other data. Overall, it takes on an optimistic flavor. It also furnishes data in support of many of the concerns we're hearing from the community, and those we heard this morning: the need for better housing, improved housing choice, the need for better jobs and higher employment, the concerns for growing racial concentrations, and the concentration of low-income households.

Finally, I need to comment on a limited but related issue involving the St. Petersburg Public Housing Authority. Ninety days ago HUD visited the housing authority for the purpose of an onsite technical review. A report was issued on October 17, 1996, that was generally complimentary, complimenting the housing authority for the improvement since the last review, under the guidance of the newly hired executive director. The staff was commended for the genuine concern for provision of decent housing for the residents.

However, the report cited one area of concern that I should mention here, an absence of an updated, consistently applied admissions policy. The housing authority's recently hired executive director, Daryl Irions, was aware of this problem and is seeking to correct it. HUD has made staff available to assist, as needed.

My purpose in mentioning this matter today is, without up-to-date written policies understood and followed by the staff for this critical part of their operations, admissions, the housing authority could face accusations of discriminatory practices in its application processing and in its selection of residents, and in other ways. With this concern in mind, HUD will make available additional assistance from our Fair Housing Division, to help the housing authority to assure that it will be in conformance, prepare itself and its policies to be in conformance with the related nondiscrimination requirements in 24 C.F.R. 969. Admission to Occupancy of Public Housing, and to address any related issues in which the public housing

authority may desire assistance. I've arranged that just this morning.

This concludes my remarks on behalf of HUD. I'll be glad to respond to your questions, and get for you any additional information that may be useful to you that I may have.

Rabbi Agin. Mr. Milburn, can you possibly tell me how many of the appraisers, the 41 appraisers, or the appraisers within the area, St. Petersburg area are of minority, are minorities?

Mr. Milburn. Of the appraisers, we think none.

Rabbi Agin. There are no minority appraisers?

Mr. Milburn. The appraisers—please understand, these are not HUD employees we're talking about.

Rabbi Agin. I understand.

Mr. Milburn. Yes. They are State licensed and voluntarily registered with HUD.

Rabbi Agin. These are real estate brokers, is that correct?

Mr. Milburn. Appraisers. You're right, though. Under State law, yes, you're right. They have to be real estate brokers—

Rabbi Agin. Unless that's changed.

Mr. Milburn. No, no. I think that's true. Real estate brokers, they always used to have to be and then, in addition, licensed as appraisers.

Rabbi Agin. Yes, but I was sure that they had to be brokers at one point. But I could be wrong.

Mr. Milburn. I have a list with me, if you'll excuse me just a moment.

Rabbi Agin. All right.

Mr. Milburn. We got a printout from our system. The appraisers self-identify, and we have—yes, here it is—we have on these, mostly one page—two half-pages. It's computer screens, is what they are.

If you can actually even see from here, on this, page, one; and on this page, one, two, three, four, five, six, seven identified as female. So 7 out of the 41 female, the remainder male. All, all in the last column read white, non-Hispanic, all.

Rabbi Agin. So there are none that are minority.

Mr. Milburn. Correct.

Rabbi Agin. Or none that you know of.

Mr. Milburn. I feel confident that this represents the section of the database that we sought; that is, the St. Petersburg—

Rabbi Agin. Okay, so that's where you got your information.

Mr. Milburn. —and that these entries are, I would feel, correct.

Rabbi Agin. Okay.

Mr. Milburn. I have a fair degree of confidence in this database.

Rabbi Agin. Yes, I'm not disagreeing with you. No, I just wanted to clarify in my own mind that there are zero number of appraisers out there who are minority, and there are none.

— **Mr. Milburn.** Let me make sure that I'm clear on this. Registered with HUD to sell HUD—excuse me, these are HUD appraisers. Registered with HUD, which gives them ability to contract with a HUD-approved lender to do appraisals for the origination of FHA-insured loans.

**Rabbi Agin.** Okay. But any broker can really—

**Mr. Milburn.** Any State-licensed appraiser, yes, can approach us. They need simply furnish their license. I think we have a form that gives some of this data that they prepare and give to us, and that we enter in our system, yes.

**Rabbi Agin.** Linda?

**Ms. Garcia.** Some of the loss of public housing due to downtown development has put extra stress on the south St. Petersburg area. What assurances do we have that the current level of public housing will remain?

**Mr. Milburn.** I don't think we have any assurance by law anymore, because the one-for-one replacement is, I think the word is, "suspended" at the moment. I think the one great concern that we heard in the community was a concern for the partial demolition of public housing in Jordan Park. Secretary Cisneros, when he was here, and since leaving here too, has committed that there would be no HUD approval for such a demolition without an adequate redevelopment plan in place. He's also committed that the Department would get technical assistance for the housing authority in redrafting its related application. He intends to work toward what he perceives to be the community's feeling for their own good.

**Ms. Garcia.** When he resigns and leaves his position, is that assurance still in place?

**Mr. Milburn.** It's my understanding that this—well, from him and from the President, from statements he has made, that this is a Presidential mandate—in terms of the broad purpose of this Federal task force, the Secretary has made it clear that, while he understands the concerns that have been raised point blank to him, that he has tendered his resignation and won't be around in 60 days or so. In questions to him about what will continue, he's made it clear that the President is committed to this effort and asked him to come down, and would replace his role with someone either coming into his position, or perhaps another Federal agency, for continuity, at the President's discretion.

But, yes, this is not a single agency initiative, as I think you can tell by the response. So I think we can feel confident of that.

**Rabbi Agin.** Mr. Eng?

**Mr. Eng.** Yes, Mr. Milburn, I have just a couple questions. First of all, as kind of a side issue, you've identified that there are only three African Americans that are real estate agents actively selling HUD single-family units.

**Mr. Milburn.** Correct. That's the units that are deeded to us by lenders who have foreclosed on FHA-insured loans.

**Mr. Eng.** Understood. As a side issue, I'd be interested in finding out if there are any Asian Americans also that would be listed as minority real estate agents.

**Mr. Milburn.** You know, I don't know, and we don't have a similar identification process, and the only way I know to tell you that we think there are three African Americans, that is, that these individuals have been active enough that they're known to the staff. We may be missing someone who's not very active.

**Mr. Eng.** Right.

**Mr. Milburn.** But these are very active agents. As a matter of fact, the staff said to me, well, one, I don't know if we've heard from him in a long while, but these are generally active agents.

**Mr. Eng.** Which leads me, actually, to the thrust of my question, are there any ongoing outreach programs by HUD, locally, to reach minority real estate agents and appraisers to inform them of the programs, and to get them on board and give them these opportunities?

**Mr. Milburn.** I think I would be quick to say that we have not done as good a job as I'd like to think we had. And we do send staff out at the drop of a hat to do presentations to real estate firms who want all of their folks trained at one time, or all who want to attend, or to association meetings, what have you. We, at the drop of a hat, make those presentations. We haven't really done the kind of outreach you describe in a pointed way, and certainly there's room to argue that we should.

**Rabbi Agin.** Brad?

**Dr. Brown.** Just following up on that particular question, is there a Realtors organization?

**Mr. Milburn.** Yes, there is. They had a meeting, it was, I think, a national meeting in Tampa about a year, year and a half ago. I was privileged to be with them.

**Dr. Brown.** And have you done training to a Realtors' meeting, the local Realtors—

**Mr. Milburn.** Well, at that meeting.

**Dr. Brown.** Yes, but that was a—

**Mr. Milburn.** I was there—actually, that was not training. That was a brief presentation. I was there, and our director of single-family housing, and we talked some about HUD's programs, and encouraged participation. But that's not indepth training.

**Dr. Brown.** I'm just wondering, when you mentioned outreach, that's obviously an obvious source to do—

**Mr. Milburn.** You're absolutely right.

**Dr. Brown.** You mentioned your housing discrimination cases. Do you have a private fair housing organization funded here?

**Mr. Milburn.** A fair housing initiatives program?

**Dr. Brown.** Yes.

**Mr. Milburn.** I think the nearest one is Daytona Beach.

**Dr. Brown.** So you don't have one here.

**Mr. Milburn.** No.

**Dr. Brown.** Does the Department of Justice do any testing?

**Mr. Milburn.** I couldn't speak for them. I don't know.

**Dr. Brown.** Okay. So basically it's not a real testing program that both tests on complaints but also does investigatory testing of—

**Mr. Milburn.** Not a permanent installation here, no, so it has to be ad hoc.

**Dr. Brown.** Which obviously may relate to the fact that you have relatively few found to be cause.

**Mr. Milburn.** It may well be, I don't know.

**Dr. Brown.** And maybe even fewer complaints.

**Mr. Milburn.** It's speculative on my part.

**Dr. Brown.** Yes. But I mean it's a lapse. If you don't have it, you don't know.

**Mr. Milburn.** Right.

**Dr. Brown.** You or anybody else doesn't know if you're not out there looking.

**Mr. Milburn.** Correct.

**Dr. Brown.** Finally, you mention public housing, but you don't mention section 8 housing, and there are a couple concerns I have about section 8 housing. One is, you know, in some areas public housing is for blacks and section 8 housing is for whites, and I wonder if you know the breakdown there; and, secondly, section 8 housing, while in some cases it's a very good way of bringing housing to individuals who might not get as adequate housing as before, it's really a boon to landlords. How do your landlords break down between black and white landlords that are participating in section 8 housing?

**Mr. Milburn.** I'll be glad to see what information is available on that and get it to the Committee. I don't know whether they have that identification.

**Dr. Berry.** If you receive this information, could we insert it at this place in the record without out objection, Mr. Chairperson?

**Rabbi Agin.** Okay.

**Mr. Milburn.** I'll see what we have. I'm not at all confident that we have an adequate identification method, but I'll see what I can get.

**Dr. Brown.** If you don't, I would urge you to try to try to get it.

**Mr. Milburn.** Let me clarify on that point. Yes. I omitted in my remarks anything about section 8, about subsidized multifamily housing, and I'll tell you flatly why. I inquired within the Department of those who administer the program—just as a side fact, that technical staff is in Jacksonville, and I've been talking with that staff. My understanding is

that there have been no related complaints, no reason to believe that there is any problem due to race in that housing, and I said, "I don't think I'm prepared to support that. I would rather simply fail to address it." So I guess that's because I don't think we know, and so I'm telling you, I'm ignorant of that.

**Rabbi Agin.** But you'll do your best to get that for us.

**Mr. Milburn.** The breakdown, yes.

**Rabbi Agin.** Yes, appreciate that.

**Mr. McDuffie?**

**Mr. McDuffie.** I'd like to ask some questions about the community urban development money.

**Mr. Milburn.** The community development block grant money?

**Mr. McDuffie.** Yes, yes. Do you review the contracts once those contracts are awarded that's using the community block development fund for this area, and specifically what I'm talking about is the type of section 3, the section that deals with contracting opportunity for the local people, and what are you doing to address that? Because, you know, community development money is used in everything from building garages to stadiums to utilities and stuff like that. And most of our communities all focus on the housing parts, but the community development fund is really where the money is, and that's where the opportunity is.

**Mr. Milburn.** Yes, sir.

**Mr. McDuffie.** So, you know, are you dealing with the section 3 part with that?

**Mr. Milburn.** To answer your questions as I have them in order, I, personally, in Tampa do not do any of those reviews. The technical staff, again, for CPD, Community Planning and Development, is in our Jacksonville office. And I have to tell you that I don't believe there is a process for review other than during an occasional technical visit for technical assistance. But insofar as being a part of the process, no, I think HUD stepped away from that years ago, so that HUD doesn't, in effect, become a part of the city's process, as I think that would imply.

**Mr. McDuffie.** Well, most of the times on HUD-funded projects, the HUD area, the regional area, has to sign off on those contracts, and what we been finding out is that they're signing off on the contract, and section 3 is not being enforced; therefore, the black community and other small businesses is being left out. And they continue to do that, but, like I say, you know, they don't review it. Whatever the city say, they just award the contracts instead of saying, "No, you're not complying with section 3, so therefore you can't get the funds because the local people are not participating."

**Mr. Milburn.** You're right. Section 3 has been on the books for a long time—

**Mr. McDuffie.** 1972.



**Mr. Milburn.** 1972, thank you. And HUD has only recently determined to promote it. And I'm personally only aware of one really concentrated imaginative effort to utilize section 3 in this greater Tampa Bay area, and that's by the Tampa Housing Authority, and that's been very controversial.

**Mr. McDuffie.** Well, see, that's our economics too, and once you leave that out, I don't care what you're talking about, you know, getting people out of the houses and get people out of HUD housing and stuff, if they can't participate in the real dollars, and as long as we continue to play games, and until HUD steps in and says, "We're going to start looking at these contracts within this geographical area," that, "You can't get the contract because you're not complying with the law." And that's the only way people are going to be able to participate.

You know, we can talk and talk, and the law's on the books, and everybody looks the other way, and until we address that problem—especially in Florida, because you know in Florida we have all these certifications, everybody's got to be State certified, this and that, but if these issues are not addressed, then we're going to continue to have these problems, not just in the St. Petersburg area, but the whole State of Florida.

**Mr. Milburn.** Well, insofar as HUD's review of contracts, HUD does periodic reviews. I won't even say regular reviews. I think perhaps periodic implies once a quarter or something, and that's not what I mean. I mean maybe in a year, maybe in 18 months, depending on staff availability, and perhaps a perceived need for a review in a given area, then HUD will bring in one or more people to review files, and that's the way HUD reviews. But not in terms of on the front end of the contract or anything.

**Mr. McDuffie.** Well, I think that's the most important part, and the reason I'm saying this is for the record, because I know HUD hasn't been doing anything.

**Mr. Milburn.** You're probably right, but that probably implies a lot more staff than we'll ever have to participate with.

**Mr. McDuffie.** Yes. See, what I'm saying is you're overlooking economic development, and this is economic development, because community block grant money is used in everything from transportation to building airports, to building roads and sewers and water, and everything, and once—the government just overlooks that. You know, you could put all the dollars wherever you want to, but black people will never be into the mainstream.

**Mr. Milburn.** Your emphasis on section 3. I think, is entirely appropriate, and I'll take that information back with me.

**Mr. McDuffie.** Thank you.

**Rabbi Agin.** Okay.

**Mr. Ingram.** Yes. Mr. Milburn, you may have commented on this, but, just for the record, I want to talk about Jordan Park a little bit. You, as the representative of U.S. HUD for this area, did you have to review the fact, or were you knowledgeable of the fact that there was a demolition mode, or mentality in place to go about the demolition of Jordan Park before Secretary Cisneros stepped in?

**Mr. Milburn.** I became aware of that plan just in brief overview, in a glance, I would almost say, on a tour that I took along with Davey Gibson, our Secretary's representative from Atlanta, about a month ago. But not part of a review or anything of the sort.

**Mr. Ingram.** Okay, well, maybe that's the point I'm making. The housing was to be demolished and there was no oversight, or no basic concern from the regional office or from your office about the fact that there were about to be many persons displaced with no place to go? I'm just trying to get the feel of your office in that regard.

**Mr. Milburn.** Well, my office is not a processing office, and maybe I need to tell you just a little more about HUD's reorganization that occurred 2, I guess nearly 3 years ago now.

HUD adopted a structure that internally looks more like an agency structure than it used to. We refer to cylinders now in HUD, the housing cylinder, the public housing cylinder, where the directors in field offices, where their staffs exist. Public housing, for instance, exists in Jacksonville, and is beginning to exist some in Miami. But right now mostly in Jacksonville, in Florida, the public housing staff.

That staff then gets its orders and clearances—reports, in other words, to the Assistant Secretary for Public and Indian Housing in headquarters. So that kind of proposal would have gone through that chain to Washington for approval. It's my understanding that there is an application in Washington that embodies the concept, but that's what the Secretary was saying would not be approved until there was some satisfactory redevelopment plan in place.

**Mr. Ingram.** Can you go on record for this body, to assure us, based on what the Secretary has said, that even if the Secretary leaves Washington tomorrow, that there will not be a demolition of Jordan Park, or if it should come about, that you would be the first to raise the question, or raise objection to that particular issue?

**Mr. Milburn.** I would certainly be among the first to remind a new administration of the commitment. I can't speak for the result.

**Mr. Ingram.** I understand. It just seems kind of strange to me that the Federal—well, let me ask you this question: If not the demolition, then what about the deterioration of the community by the cutting down of oak trees that's probably older than all of us that's sitting up in here right now? I

mean, the one way the people could air condition those homes without air conditioning was to have the oak trees. Is your office going to take a stance to say that there should not be any further cutting of trees in that community as well?

**Mr. Milburn.** I don't want to stand here and make promises that I don't know I can fulfill, so I don't know how far we can take the detail, but I certainly understand the concern. And my reason for being here, if anything, is as an advocate for the community, and I think knowing that that's a concern of the community, yes, I would hope to be able to interpose an objection. I don't know whether I would have the opportunity, so I don't know that I can be sure.

**Mr. Ingram.** Well, my final comment, having taken a tour of that community yesterday, I think that if there is one powder keg possibility in this community that would be larger than anything we've ever seen, is to have something happen to Jordan Park without a total involvement of that community, and I would strongly recommend your office be very aware of that and be very concerned of that, and to be very noticeable that that has the potential of being a powder keg that could be more explosive than St. Petersburg, than any other instance.

**Mr. Milburn.** Mr. Ingram, I couldn't agree more. I'll just volunteer something of HUD's internal goings on that maybe I wasn't going to. But I think we've got to give Secretary Cisneros a lot of credit for the changes he's bringing about in the Department.

I have personally returned from a second 2-week stint at the University of Maryland, with a lot of homework in between, in taking a course that the Secretary has asked all of his leadership to take, Communities First Leadership Course. During the course of that first 2 weeks in Maryland, at the University of Maryland in College Park, we were treated to a tour of some public housing projects, one of which was soon to be demolished. And we had occasion to speak with some of the residents who were still living there and some of the resident leaders. And it was evident that the residents and the resident leaders had been involved, immersed in the planning for the next step, and felt that they had an influence. I understand the plans were changed because of their involvement. They had every reason to believe that the next step would be good for them, and so they were in favor of that particular action.

So I think that's good evidence of how community involvement can work for the good of the community and keep us from seeming to confront a community when we try to do something that the Department feels is a good thing.

**Mr. Ingram.** Thank you.

**Dr. Berry.** Let me just be as blunt as I can be and as quick as I can be. As I understand it, Mr.

Milburn, the way HUD is now organized, and I know this to be the case, because we did a report on HUD and its enforcement effort.

**Mr. Milburn.** Oh, did you?

**Dr. Berry.** Two years ago. So I know—the Civil Rights Commission did, so I know this, but I'm just getting it on the record. Your office does not have the responsibility or the authority to make commitments about whether or not Jordan Park will be demolished; is that the case?

**Mr. Milburn.** That's correct.

**Dr. Berry.** So you have no authority to do that.

**Mr. Milburn.** Exactly right.

**Dr. Berry.** You don't have the responsibility.

**Mr. Milburn.** That's right.

**Dr. Berry.** So to ask you that is not asking the right person.

Secondly, the Secretary made this commitment, and the President endorsed the commitment as part of the interagency task force report, and has made a public statement, which means it is now the President's commitment, which means, should it not be kept, the advisory committee which is to be named under the interagency agreement, and members have been named by the mayor, and there will be other members, is the appropriate body for local people to go to, to look to, to make sure that the commitments that are in that interagency agreement endorsed by the President in a public statement are in fact carried out. And not you, not Secretary Cisneros, after he's gone. It just happens that HUD is the authority that's supposed to handle public housing.

So is that all your understanding, what I have just stated?

**Mr. Milburn.** Yes, Ms. Berry, you have stated that very succinctly. Thank you.

**Dr. Berry.** All right. Now, the third point to be made here is, do you have any information or knowledge that would permit you to state for the record what the elements of the interagency task force agreement are that concern HUD and its responsibility, or have they made that information available to you?

**Mr. Milburn.** I have a copy of the Secretary's letter to the President, which includes, I think, the information you're looking for.

**Dr. Berry.** Right. Do you have it?

**Mr. Milburn.** Yes.

**Dr. Berry.** It's public information. So you do have it. I'm not asking you for any secret information. I'm just asking you for the record.

**Mr. Milburn.** I think so.

**Dr. Berry.** All right, would you mind telling us, or inserting in this place in the record, depending on how long it is, so we don't have enough time, what HUD's piece of this is, for people who don't clearly understand what their piece is.

**Mr. Milburn.** So I don't miss anything, I'd like to refer—

Dr. Berry. Please do. Do you mind if he just does that, and—

Mr. Milburn. Should I read it into the record?

Dr. Berry. Please, go right ahead.

Mr. Milburn. "Public Housing: HUD will make available approximately \$5 million towards the revitalization of the Jordan Park Public Housing Development; \$2.5 million will be redirected from Laurel Park unused replacement funds. Another \$2.5 million will come from unreleased proceeds from the sale of public housing units (previously sold by the housing authority). These funds will be made available to facilitate a new plan that is responsive to the resident and community concerns for preventing displacement of current residents, generating local jobs, and providing other economic opportunities."

Would you like me to continue with all of the points for HUD?

Dr. Berry. Yes. How long is it?

Mr. Milburn. That far.

Dr. Berry. Go right ahead.

Mr. Milburn. "Using at least \$250,000 from the Economic Development and Supportive Services Program, HUD will also create a campus of learners at a public housing development. This will be linked to the National Cities and Schools Program, local housing, business employers, and supportive services to assist public housing welfare recipients entering the work force."

"Affordable Housing: HUD will partner with Habitat for Humanity to build new affordable housing in the distressed area."

"Economic Development: HUD will 'fast track' any applications for section 108 loan assistance (St. Petersburg is eligible for up to \$12 million) for economic development (for example, commercial rehabilitation, small business loans), building neighborhood public facilities, and constructing or rebuilding housing. These first loans will be focused on bringing a vehicle restoration facility and a retail shopping complex into the neighborhood."

"Technical Assistance: HUD will provide technical assistance, (a) to assess public safety and community policing needs within public housing areas; (b) to the housing authority to educate them on the resubmission of their Hope 6 public housing application; and (c) to the city and neighborhood nonprofits to expand or create more affordable housing."

Dr. Berry. All right, that's fine. That's all I wanted to do, put it in the record, put it out for the people that didn't know. And so now the community can then proceed to hold people accountable. Thank you very much.

Mr. Milburn. Yes, ma'am.

Rabbi Agin. Do you have a question?

Ms. Reynolds. Yes, I really wanted to go back to what we received as a statement from one of the

individuals who made a presentation last night referencing the lack of a local enforcement agency on fair housing. Yet I see in your prepared statement that you commend the City of St. Petersburg City Council for its enactment of the ordinance which prohibits discrimination in housing, and their tireless efforts in the enforcement of that entire discrimination law.

Well, we have citizens who say that there is no local enforcement present. Is that a lack of promotion of—

Mr. Milburn. I can't reconcile that.

Ms. Reynolds. Well, that came before us last night, and so this really struck me, when I see this here, because we've just heard blatantly that there was no enforcement of local fair housing—

Mr. Milburn. And you see the—

Ms. Reynolds. —of antidiscrimination.

Mr. Milburn. Excuse me. And you see the amount by which HUD is funding that currently, \$41,100 for fiscal year 1996, and that's to the city agency, a substantially equivalent agency.

Ms. Reynolds. How does a citizen know that that mechanism is available, and that individuals who are being discriminated against in housing, how do you get that word out? If we're receiving—

Mr. Milburn. That would seem to point to a need for better outreach by that agency.

Rabbi Agin. Okay, thank you very much, Mr. Milburn. Appreciate your being with us.

Mr. Milburn. Thank you.

Rabbi Agin. Mr. Gregory Durden. Mr. Durden, would you please state your name and who you represent?

#### Statement of Gregory Durden, Chief of Civil Rights, Florida Attorney General's Office

Mr. Durden. Yes. I am Gregory Durden, I am Chief of Civil Rights for the Florida Attorney General's Office, and I intend on being brief. And to make clear where I am, I work for Attorney General Bob Butterworth, and not for the Governor of Florida. I'm here on behalf of Bob Butterworth.

Rabbi Agin. So you are a State employee.

Mr. Durden. Yes. And, also, as you may be aware, we have launched a State investigation in this matter, and so many of the things that I'm involved in, I can't talk to you about. But given that, let me give you some history about what we do and how we came about to help you understand this whole process.

Back in the late 1980s, the State of Florida, by way of the State supreme court, commissioned a study to look at law enforcement and criminal justice interface with the minority community here in Florida. From that study came a lot of recommendations, one of which was to create an office of civil rights and place the office inside of the attorney general's office. I was brought on board to make that the reality.

Now, part of the whole thrust of this study was to look at the police-community relationship, and that is going to be the focus of our investigation here. The office I oversee was designed to look at these areas in particular. And I want you to know, and I want the people of St. Pete to know, that the attorney general does not serve as a rubber stamp for the City of St. Pete. We're going to do an independent and complete investigation of this matter, and you can rest assured of that.

Now, I want to introduce you to Curtis Lee. Curtis runs the Tampa office for us. He's in Tampa. The number there is 871-7790. He has been involved in this whole process since the riots began. He's attended a lot of the town meetings. We went with Bobby Doctor, have gone to churches. He's been involved from day one in this whole matter. 871-7790—feel free to contact Curtis. He will drive from Tampa over here.

I intend to come here in January and stay the whole month. I live in south Florida. I'm going to just come here and stay the whole month as we conduct this investigation. So it's going to be comprehensive, and it's going to be thorough.

Now I wanted to share something with you also that's a concern of mine. We're beginning to see—across the United States we're beginning to see—and the Rodney King riots kind of spawned riots around the United States, and that's kind of a concern to us, because we're seeing in St. Pete, you had back-to-back kind of riots, which are kind of historically unheard of. And what I think we're seeing is a reversion back to civil unrest in this country, and we have got to do something about this, to solve this issue now.

A lot of people are saying things are well and good here in St. Pete, and I submit to you that if it was so good and well in St. Pete, why does this town continue to burn? We have got to do something. We've got to stop paying lip service to what is a very serious problem. Thank you.

**Rabbi Agin.** Mr. Durden, when you indicate an extensive investigation, are you just referring to the last situation, the policeman shooting of the individual, that one person?

**Mr. Durden.** No, sir. I mean thorough in the sense that we're going to sit down and review 500 police files on the police officers who are employed by the police department.

**Rabbi Agin.** All right. You realize that within a period of I think it was 15 days, something like that, there were six young men killed, young African Americans killed in this community?

**Mr. Durden.** That's not my understanding, but there have been some disturbances, yes.

**Rabbi Agin.** That came to light to me during lunch today, which I—which really took me by surprise, in a very short span of time so many young people were shot. So you will be looking into all of those kinds of issues.

**Mr. Durden.** Yes, we will. Yes, absolutely.

**Rabbi Agin.** All right. Mr. Ingram.

**Mr. Ingram.** Mr. Durden, has your office begun an investigation already, or will it be January before the investigation—

**Mr. Durden.** We've already started.

**Mr. Ingram.** The reason I'm asking that is because last night witness after witness talked about the fact that no one has talked to them, and every group that's investigating has come forth and said an investigation has begun, but ain't nobody being talked to, and I'm just wondering how is it that this investigation—all these agencies are having investigations, and nobody—out of all of the people that were here last night, no one was talking to them.

**Mr. Durden.** I was here last night, too.

**Mr. Ingram.** I know.

**Mr. Durden.** And some of the people you're talking about have talked to me last night and the time before. So I don't know who you're talking to. But what I know is that—

**Mr. Ingram.** Wait, wait, wait. Wait a minute, Mr. Durden. I'm not—wait a minute, hold it. Let's get one thing straight. I'm not trying to be hostile to you. I'm raising a question based on—you're right, you were here last night. I was here last night, and I heard people come and testify before this body, and you're telling me that as a representative of the attorney general's office that you're conducting an investigation, and I want to know from you how in the world you can be conducting an investigation and hundreds of people were here last night who said that no one has talked to them. Somebody's lying. Either you lying, or they lying. So now that's my point.

**Mr. Durden.** Maybe you have a misunderstanding.

**Mr. Ingram.** Well, maybe I am then. Because you're the one began to become hostile, and all I'm trying to find out is who are you talking to.

**Dr. Berry.** Wait a minute. Let's calm down here.

**Mr. Durden.** We have made contact with the city attorney's office, the police department. We've gone through a number of records with them. We are trying to—we have begun to review this whole process. We've been involved in this process from the day the riots started.

Now, of course, we're not going to have public hearings like this. We are going to find out who has information and review that information. Yes, we are reviewing statements right now, we are. And we are talking to people right now, yes, we have. We have talked to people about coming into the office and giving statements; we have done that. So we are having contact with people in this community about what has happened. And not only about the riots one and two, but about some of the other problems that we see regarding the way the police

Even my relationship with Justice nationally, we have formed different task forces that deal with housing issues, that deal with issues involving mortgage credit lending, disability rights, hate crime groups, as well. So I think we're getting there.

And I think Janet Reno deserves a lot of credit because she has caused for the first time an emphasis amongst the Justice and among the U.S. attorney's office to deal with the States. So we're beginning to see for the first time a sharing of information and a sharing of work in areas other than are criminal. In fact, I've got some cases right now where we are working jointly with Justice on a joint lawsuit. So, you know, I think it's improving and it's getting better.

Rabbi Agin. Okay, thank you very much, sir.

Mr. Durden. Thank you.

Rabbi Agin. We appreciate your coming.

Randolph Bradley here, a representative of Bradley?

**Statement of Randolph Bradley, Representative, Florida State District 55**

Mr. Bradley. Yes, I am.

Rabbi Agin. Thank you, sir, for coming, thank you for waiting, appreciate it.

Dr. Berry. Well, I'm glad to see you, because some media asked me this morning had I seen you, and I said no, and they all started to chuckle. I don't know what that means. But I'm glad you're here.

Mr. Bradley. Well, that's rather strange, because I've seen you maybe 10 times. But I guess maybe I'm a little low key as a representative.

Dr. Berry. I mean, seen you as in making your presentation.

Mr. Bradley. Oh, okay. Well, it's nice to be here. Also, just for the record, I'd like it to be known that I'm one of the folks who facilitated your coming to St. Petersburg when this whole situation occurred. I had the misfortune of being about a minute or so behind the incident that served as the impetus that lanced the boil.

What I would like to do is just to make a statement to—so that you all can enter this into the record, and this is based upon observation, my personal observations, and it also is based upon observations I have collected from the community.

The kind of violence and civil unrest we have seen in our community in the past few months is symptomatic of voices unheard, of concerns not listened to, and of groups of neighborhoods that have been effectively disenfranchised from the political process in this county. While this problem has manifested itself here in St. Petersburg, I believe the causes go beyond our borders. That is why today I'm asking that the leaders of the Pinellas County School Board and the Pinellas County Commission begin the process of reexam-

ining the structure of their government in such a way as to ensure and encourage the election of qualified African Americans to those very important boards. An African American resident of this county has never—and let me emphasize that—never has been elected to either of those county-wide boards.

The present system of government requires that board members live in certain districts but be elected on a countywide basis. That system, in essence, takes the African American communities in south St. Petersburg, Greenwood, and Tarpon Springs and Reexpress [phonetic] out of the picture in terms of countywide politics.

No better proof is needed of the inability to elect qualified and eager African Americans to county-wide office than the recent efforts of Mamie Hodges and Cecil Keane. Mrs. Hodges ran unsuccessfully for the school board before being appointed to the City of Clearwater Commission, where she served with dignity. But even that experience on her political resume wasn't enough to win a subsequent campaign for the school board again.

In the case of Mr. Keane, an African American who ran on the Republican ticket for county commission, the inability to win an election is even more stark. Many political observers saw Mr. Keane as the ideal African American candidate for countywide office, and he enjoys strong mainstream support, but even he could not win a countywide race.

It has been shown time and time again that African American leadership has been shut out of the two most important countywide governments, the school board and the county commission. The problem is, is that these boards are elected at large. If we really want to address problems here in St. Petersburg, that is, in south St. Petersburg, without African American leadership, we will continue to have voices unheard, and we will most certainly not be able to effectively address some of the basic and very, very important issues. We all realize that it's important to be at the table to help to negotiate as it relates to policy making.

And I'm asking for something that is [not] unprecedented. Our neighboring counties, Hillsboro and Manatee Counties, years ago took steps to encourage participation; that is, to ensure the election of African American leaders. Why can't we do that, why can't we do the same here?

With the recent elections just concluded, there is no better time for each of these boards to start immediately to revise their structures. And the school board, which already has seven members, it may be possible to simply institute a system of single-member districts, or a mix of at-large and single-member district seats.

At the Pinellas County Commission, where there has been a passing of the torch of leadership with the departure of the board's longest serving

member, there is a new opportunity to explore this issue, which previously had been politically impossible. It is fairly clear in my mind that the county commission must consider expanding the size of its board, along with single-member districts, to accomplish the stated goal. It is my intention to appear before both of these boards in the very near future to make this request of them in person.

I would urge them to make a simple commitment, and that is to incorporate African American voices, and to participate in the countywide solutions we need to make for all of our neighbors and our neighborhoods in order that we will have safer communities and a situation that allows residents to fulfill their roles as citizens. I would hope to be accompanied by the mayor of this city, David Fischer, and any other individuals who are concerned about the future of community relations in Pinellas County.

I thank you for your patience and your commitment to helping—for your help, that is, in helping to heal our community, and I look forward to your findings. And I know that many, many good things are going to, hopefully, come from your work here in the city of St. Petersburg.

And I'm sorry you haven't see me, but I've seen you many times.

**Dr. Berry.** About how much receptivity is there to doing what you're talking about?

**Mr. Bradley.** The school board had some preliminary discussions prior to the most recent election about the possibility of changing the way that board members are elected. But, as of late, that discussion has not been continued. With respect to the county commission, that is something that I intend to—that's a question I intend to ask them. I did talk this morning with the chairman of the board, and he told me that he would meet with me to discuss this important matter.

**Dr. Berry.** Has there been any discussion in the past of litigating the issue?

**Mr. Bradley.** Yes, with the school board as well as the county commission. At that point, the county commission—that was several years ago—didn't appear to be too receptive to the idea. But, as I said, the school board, as recently as a month or so ago, did indicate that they would be willing to sit and to discuss the matter.

**Dr. Berry.** And what happened to the idea of litigating in terms of—

**Mr. Bradley.** Mitigating?

**Dr. Berry.** Litigating.

**Mr. Bradley.** Litigating?

**Dr. Berry.** Like bring a lawsuit—

**Mr. Bradley.** That's something you would have to—the NAACP did get involved, but I don't know to what extent they did go with that, and I'm not prepared to answer that specifically.

**Dr. Berry.** Well, do you think it's too soon to talk of litigating it, and do you think it can be worked out?

**Mr. Bradley.** Well, I would like to see if it can be worked out, but, if not, then I imagine that other avenues will have to be pursued.

**Mr. Brake.** Representative Bradley, I'm Bob Brake from Coral Gables, and I was a metro commission, city commissioner in Coral Gables, and State legislator, and I've been active in the question of district elections and how people are elected, in Dade County in particular.

One point I wanted to ask you about, the State legislature basically controls the way that the governments locally are elected and are constructed, and the State legislature could adopt an act either for the whole State of Florida, or for counties or cities of a certain population, saying that there should be district elections. Has there been any thought or discussion about doing that?

**Mr. Bradley.** That may be a part of the scenario as it relates to the school board, but with the county commission we have a concept that's known as home rule, which means that we don't have the prerogative to enter into the process.

**Mr. Brake.** In Dade County, which is basically the only one I'm really familiar with, the constitutional amendment that gave us home rule said that any act that applied to Dade and any one or more other counties would be binding on Dade County regardless of what the charter said.

Now I'm not familiar with the constitutional provisions for the other charter counties, but I would suggest that that be looked into as one avenue.

The second one is, there's another method that was used in Florida some 50 or 60 years ago for countywide elections, which is called a preferential election system, where if you've got seven members, for example, for a city commission, people would list those candidates in an order in which they would prefer them, one, two, three, four, five, six, seven. If anyone got a majority, that person was declared elected. If the others didn't, then you would drop off the lowest one, put their votes with the next one in line, distribute them again, and the second time around, anyone who has got a majority then would be elected. Has any consideration been done for that?

**Mr. Bradley.** That has been discussed. And basically, what we're trying to do right now is determine what the effective method would be in order to ensure that we have representation by an African American on both boards. That particular method has been highly discussed, but has never been implemented in this county.

**Mr. Brake.** The last point I want to make is, in Dade County there were lawsuits that were brought which resulted in district elections for the metro commission and for the State and county

school board. Have you folks been in contact with the lawyers who represented the plaintiffs in that case with regard to filing something similar here in the Federal district court for this district?

**Mr. Bradley.** That's a question that I would have to ask of the NAACP, who would ordinarily handle that. And I don't know exactly what status of their contact is with an attorney to deal with this particular matter.

**Mr. Brake.** That doesn't have to be done by the NAACP. Any—

**Mr. Bradley.** I know it doesn't. It can be done by SCLC or by private citizen.

**Mr. Brake.** Right. They were talking last night about a coalition. Maybe it would be something to bring to them, to their attention.

**Mr. Bradley.** Well, the main thing I wanted to do is make you all aware of this situation, and I was hoping that by making you all aware of it that we would be able to focus upon this very pressing and important need that we have here in Pinellas. And Pinellas is very unique in that when you look across the State of Florida you're not going to find many, many counties that don't have African Americans on the school board, as well as the county commission, and that includes north Florida, all the way down into south Florida. So that's a situation that's unique about this county.

And I feel very strongly that when we think of situations such as what we have just encountered, for sure, voices unheard are a cause, and there are other root causes that also exist. But in order to deal with some of the policy decisions that are made, I feel very strongly that African Americans need to be at the table, as well as other folks. so that we can have voices that need to be heard as it relates to posturing.

**Mr. Brake.** All right.

**Rabbi Agin.** Thank you, sir.

Are there any questions?

**Ms. Lee.** Mr. Bradley, does the county have any fair election commission, or anything like that, that oversees election matters, and if there isn't, would you suggest formation of such a commission? **Mr. Bradley.** The county has a fair campaign commission that deals with campaign ethics, but nothing to address this particular issue, and I would very much encourage and recommend that the county establish such a commission, because this is a very very pressing and issue—a pressing matter and an issue that is—has been discussed for years and years and years, and it—as I said, it's probably one of the root causes of what we are seeing here in St. Pete.

**Rabbi Agin.** Thank you very much.

**Mr. Bradley.** Thank you.

**Rabbi Agin.** Okay, next Ronald McElrath. Present? Thank you for waiting. Would you please state your name and who you represent.

#### **Statement of Ronald McElrath, Executive Director, Florida Commission on Human Relations**

**Mr. McElrath.** My name is Ronald McElrath, executive director of the Florida Commission on Human Relations, State of Florida.

Thank you for the opportunity of addressing you all today. First of all, I'd like to say that I lived in this county for about 13 years. I was here from about 1978 to 1991, before going to Tallahassee. I have family that lives in St. Petersburg, as well as family living up in Pinellas County. So certainly this means a lot to me, the issues that are being brought to the attention of the public.

I also would like to state that I served in this community in many different capacities, because I was on the antipoverty board, which is known as Pinellas Opportunity Council, which I served for about 13 years, and 4 of those years I served as either chair or vice-chair. I also served in this county and the St. Petersburg area as president of the Latch Key Program, which funds all of the child care, day care programs, including those in Jordan Park and some of the other areas. So I do have some sympathy and empathy for the area, and some of the concerns.

I would like to point out to you that the function of the Florida Commission on Human Relations, as instituted now in the 1992 Civil Rights Act, is to investigate housing complaints and unemployment discrimination complaints under our Florida statute, which is statute 760.

Just as a historical perspective, in 1969 is when the commission was first started. Many of the local human relations offices sought the legislature out to have a statewide agency, and this agency was instituted, and it was set up and was completely funded by State funds. In 1977 they passed the first human rights act, which was an antidiscrimination act as it relates to employment. From 1977, then in the eighties, began to get some fair housing amendments.

Also, historically, in 1977 the commission had a staff of 36 employees, and when I took over as director in 1991 they had 37 employees. So in that period of time you can see what happened, and you can also see the increase in the population, because we serve approximately 13 million as opposed to back then, which was probably about half that number.

We also would like to point out to you that the funding for the agency now is at the level that about a third of its budget is dependent on Federal dollars, as a result of case processing, whereas before it used to be completely funded by the State. So I wanted you to kind of know some of the background and the history of the commission.

Our statute also says that besides the primary law enforcement function, the Florida Commission on Human Relations is charged by statute with the promotion of the elimination of antagonism

between religious, racial, ethnic groups and their members. This is found in 760.05. Regrettably, it is this function which the Florida legislature has left largely unfunded, along with some of the police-community relations workshop funds. We have a history back in the 1980s of providing police-community relations workshop funds that were, we think, making a tremendous impact in the communities as it relates to the community relating to the police, and vice versa. And, in fact, a young man who is now with the Justice Department, Tommy Battles, headed that program up for us from its inception.

We would also like to share with you that the commission right now has been involved over the last few years with certain incidents in the State. For example, during Hurricane Andrew we were involved very much with housing discrimination complaints, and found lot of discrimination in that situation as far as race in south Florida.

In the Monticello area, when the tourists were killed, we found that blacks were being wholesale rounded up and brought in because of the color of their skin and their age, as they were trying to find the perpetrators of the crime.

We've done some internal investigations with the Department of Labor. In 1994 we had a Pinellas County hearing right here in these chambers where we asked about the state of human rights, and we have a 6-hour tape that was produced from that, that probably would reveal some of the very same things that you will probably be hearing while you're here, too. And, certainly, we realize there's work to be done.

We have attempted to stop being a firefighting group and a reactionary group to trying to become a proactive commission. The commission is appointed—12 commissioners are appointed by the Governor, and you have to be confirmed by the senate. However, they are autonomous, they do have some autonomy, and, of course, some of that autonomy, like in any operation, is dependent upon the availability of funds. We have approximately 40 positions funded at this time, and out of the 40 positions, several of them are vacant now because the Federal dollars have not been there, and, of course, that puts us in a weak position.

Our sister State of South Carolina which serves 2 million people have a staff of 52 people, and, of course, they're becoming more and more dependent on Federal dollars too. However, they do have a community relations technical assistance branch of their agency that is able to get out and do a lot of things in the area of police-community relations, race relations, things of that nature. We have staff that we have to switch over to that as they are available. And certainly that is not as good as what we think it needs to be. We know there needs to be more work in that area.

My primary purpose in coming here today is, number one, is that while I believe that a community's problems are best resolved by members of the community in which the strife has occurred, the Florida Commission on Human Relations Office offers to the U.S. Civil Rights Commission, and to the community of St. Petersburg its services and assistance in making positive changes in St. Petersburg. Should your report include recommendations that actions be taken which in your view are based on the Florida Commission on Human Relations' activities described by me earlier today, if we can serve as a resource or facilitator, we would be pleased to work with the U.S. Civil Rights Commission and the people of St. Petersburg.

I just recently brought a gentleman on board—in fact, this is his first day—who is a retired senior executive from the Federal Government, one of the agencies there, who had been director of management services. He's going to be in this area, will be working and assisting us in this area, and that's Mr. [inaudible]. Would you stand up? I want to identify him. He'll be working this area. I also would like to introduce Jim Ballou. Jim Ballou is an attorney for us. He's working in this area now. He is a former commissioner, and he's now on the St. Pete Human Relations Commission, just recently got appointed to the St. Pete Human Relations Commission. We have Miles Lance, who is an attorney on our staff that works in this Tampa Bay area. And Bill Atkinson is in the Jacksonville area. Bill is a retired Federal executive. We've been robbing the Federal Government a little bit with trying to get staff on board to assist us.

On behalf of our chair, Mrs. Geraldine Thompson, from Orlando, who is not able to be with us today, I want to thank you, and our 11 commissioners thank you for this opportunity, and if there are any questions that you might have, I'll be glad to answer those questions for you at this time.

Yes?

Rabbi Agin. What has been done by your people in regards to the situation in this community?

Mr. McElrath. We contacted the city officials and made them aware that we would be happy to assist in any way that they would need or require our assistance. We have not actively done anything at this point. We recognize, and we have had agreement, that there are local human relations commissions in certain cities, and we try to work in conjunction with them. We were told that right now they had several agencies there, and the Civil Rights Commission was doing a study at this time.

So what we're saying, that we will make ourselves available to assist in any way possible. We know that there are several agencies that will be investigating. There's also the hearings that are



being held. So, at this juncture, we're on standby, waiting to come in and assist in any way you need us.

**Rabbi Agin.** So you do nothing in the area of human rights for this community.

**Mr. McElrath.** Not right at this point, no. We have not at this point. We have offered our services.

**Rabbi Agin.** Well, you offer your services to the people, or do you offer your services to the government?

**Mr. McElrath.** Well, we offer our services to anyone, the people or the government.

**Rabbi Agin.** But don't you feel that these people who have their human rights violated time and time again, don't you feel compelled to go out there—

**Mr. McElrath.** Absolutely.

**Rabbi Agin.** —and find out what it is? Oh you don't feel compelled to—

**Mr. McElrath.** Absolutely, I do. I said I do.

**Rabbi Agin.** Then why don't you do?

**Mr. McElrath.** Limited resources. But what I'm saying is, we have changed—

[Response from the audience.]

**Rabbi Agin.** Hold it. Wait a minute. Let him have the courtesy of answering the question. Whether you agree with my statement, my question, or not. These are my own feelings that I'm asking, I'm expressing to the gentleman, and I'd like him to answer it.

**Mr. McElrath.** Yes.

**Rabbi Agin.** You may disagree with me that my questioning is not relevant, whatever. But these are my feelings.

Sir, please. Thank you very much.

**Mr. McElrath.** Let me respond. Say, for example, in employment discrimination complaints, we have work sharing agreements with local and Federal agencies how the work is divided, all right? And we investigate those complaints that are not covered by either Federal or local law.

There are people in St. Petersburg who will file a complaint with St. Petersburg, or with the Federal Government, and at the time the complaint has been investigated and a determination has been made, they then can elect to come through our system, which we have an administrative law judge system versus some of the other systems that are in existence, because some would have to go to court.

Now St. Petersburg has its own hearing board, they hear cases. So people can elect to go that direction. But if they do file in the State, they can go there, or they can go into State court, depending on what decision they choose to follow. Because our State statute provides more as far as actual damages they can recover than the Federal law does, because we don't have the same criteria that

the Federal Government has as far as awarding of damages.

**Rabbi Agin.** Are there any—

**Mr. McElrath.** Can I further answer that?

**Rabbi Agin.** Sure. Sure, please.

**Mr. McElrath.** As far as housing discrimination, I heard you talking to the representative from HUD. A few years ago we did a housing testing program for the Tampa Bay area. We had approximately a \$300,000 grant from HUD to do testing. We found in St. Petersburg, as well as all of Pinellas County, approximately about 60 percent of the incidents of discrimination, they settled a lot of them. In those cases we were able to get a resolution to set up Realtors to go to training programs and things of that nature, to also recover some damages in approximately 80 percent of those cases.

Some of the other cases ended up in litigation otherwise, but about 80 percent of those cases we were able to get immediate resolutions, and were able to also bring about some executive types of training programs to try to redirect the way some of the real estate practices were occurring in the area.

So it's not like we have not done anything in the area. We've done some things in the area in different types of programs. The thing that we're seeing right now is that where there is a local agency, we attempt to try to work with that agency and through that agency.

If a person contacts us directly, we respond to complaints. One of the problems I think with our agency that we're trying to get past, because budget constraints tend to do that, is that we tend to have to respond to things rather than just go ahead and act on things that we know about. We're kind of restrained in that regards because of limited staff.

**Rabbi Agin.** Okay.

**Ms. Reynolds.** In your contact, was that with the local human relations office? Did you make contact with that office?

**Mr. McElrath.** Yes. We made—not only that, we made contact with the city manager's office as well. We sent a letter to the mayor as well, and making him aware that our service is available. We did officially, as well as by phone.

**Ms. Reynolds.** So did you not come because—has that local community relations office been involved in this process of working with the community, is that by the State offices?

**Mr. McElrath.** Well, we responded basically to the fact that at that time we were not—we didn't get any response back saying we would like for you to come at that time. The response that we got was that the Civil Rights Commission was holding hearings right now. So the position we took is a wait and see position. I think the Governor

addressed you all earlier and offered some resources from the State, and I think—

**Ms. Reynolds.** No, he didn't.

**Mr. McElrath.** He did not?

**Ms. Reynolds.** No.

**Mr. McElrath.** I thought he had done that, not today, but earlier in the process I thought he had made—

**Ms. Reynolds.** Do you have the authority absent the local civil rights office, absent the city leaders saying we want you to, do you have the authority to come into the community, go into the affected areas and hear from those citizens, and make certain their needs are being met by the local?

**Mr. McElrath.** I feel sure that we have the authority. It has not been the practice in many times just to go in communities without some type of response from that community saying there's a problem, we need you. You know, you read responses in the paper, or you may hear about responses, but usually somebody in that community will call you and say we need you to come in, and that has been the way we normally react to a response to someone who may call us and ask for assistance.

**Rabbi Agin.** Ms. Lee has some questions.

**Ms. Lee.** Do you have an office to monitor the MBE contract and procurement compliance?

**Mr. McElrath.** No. That's done by the department of management services, the MBE program, monitoring of that is done by the department of management services. That function is in some of the local human relations offices, and some of them are independent of the local human relations offices, but on the State level, the department of management and services usually monitors that, and then each one of the major departments have—some of them have their own MBE program.

**Ms. Lee.** Do you have any statistics? Can you get us any statistics?

**Mr. McElrath.** I don't have any with me, but they do issue a report, and I can give you a name and a number you can call that will give you a report, if you would like that information.

**Rabbi Agin.** To facilitate matters, could you just send that report?

**Mr. McElrath.** Sure. Okay, all right.

**Rabbi Agin.** Thank you.

**Mr. McElrath.** Be happy to.

**Mr. McDuffie.** The study that we did, the report that we did in 1994, did you get a copy of that report?

**Mr. McElrath.** Yes.

**Mr. McDuffie.** Well, by reading that report, didn't you see that they had trouble then?

**Mr. McElrath.** Oh yes. And—

**Mr. McDuffie.** Wouldn't that tell you, let's go in and try to on the State level and see what the problem is.

**Mr. McElrath.** What we did, we brought officials from all over Pinellas County, human rights officials in, and what we did, we tried to make the report available to all the elected officials to be aware of what was happening countywide in their areas, with the understanding that they would be looking at how to deal with those problems, because most of those were policy problems. They were problems that needed to be addressed by them, basically.

Even when you do your report, you will do a report that will make the recommendations of what's needed to be done, but unless the people that read those reports and implement, you know, those reports will collect dust, and that's what we're concerned about. Whatever's happening—I don't think that we're going to ever see that anything changes that much unless people are really actively and committed to make the change. And I'm not trying to say that the people aren't committed, I'm just saying until we see the results, you're not sure what the level of commitment is. And there's a need now to see results.

**Rabbi Agin.** Brad?

**Dr. Brown.** Yes. Mr. McElrath—

**Mr. McElrath.** Yes, sir.

**Dr. Brown.**—has the Governor requested that your office become involved in this situation?

**Mr. McElrath.** Not officially. At this point, juncture, the Governor has a letter on his desk that indicated that we were ready to assist in any way, but we have not—that we are available to be available—I mean, to assist, but we've not had a response from him directly saying we want you to come in, or anything of this nature.

**Dr. Brown.** Despite the indication we've heard of the State's interest in being involved at the Governor's office—

**Mr. McElrath.** Yes.

**Dr. Brown.**—and as a bureaucrat with a budget that's directed by the legislature, etc., it really takes—am I right that it really takes—if the Governor says to do it, then the resources get directed to what the priorities are in a way that they aren't always able to do from your level?

**Mr. McElrath.** Yes. And the Governor also recommends what the legislature funds. They don't always have to follow him, but he does make a recommended budget in what areas of each one of us submit our budget to his office.

**Dr. Brown.** So at this point the Governor has not chosen to respond to your letter and direct it to the State human resources—

**Mr. McElrath.** We've not—

**Dr. Brown.**—to beef up—

**Mr. McElrath.** We've not had a response at this point. We just—

**Dr. Brown.** I think that's—

**Mr. McElrath.** The information was sent to him that it was available.

**Dr. Brown.** On the basis of your private study here with your grant on housing testing, would that indicate to you that there is a need for an ongoing program of housing testing in this area?

**Mr. McElrath.** Yes. Yes, it is. In fact, we attempted—collectively, some of the local agencies and the Florida Community Relations Professionals, we had a coalition of us together, attempted to get housing funding from HUD. When I was in Clearwater, the human relations office there, I used to take the HUD monies that I received and would pay the NAACP to do testing in the Clearwater area, and it worked very well. We were able to do our own ongoing testing there. And it also helped strengthen our cases when we investigated. But we really need a statewide testing program. We need a regional-wide testing program because there are a lot of other Southern States that really don't have the resources to do it, because a lot of it is very southern.

Can I give you an example? We had an example where we sent black and white testers out, and they would tell a black tester, "Let me show you an apartment," and they would show them a really raggedy apartment. They would take the white tester and show them a really nice apartment.

Then the other thing they would do, they would tell the white tester, "If you would take it today, we'll give you two dinner theater tickets, we'll give you a lot of amenities." And the black tester, they told them, "Well, we don't know, we've got some people waiting."

But two people would come back and say they were treated really good, and thought that nobody was discriminating. It was until we compared the data that we were able to see how subtle the discrimination was. And I share with you and say that, without a testing program, we would not be able to know this kind of information.

And we need the same kind of testing program in employment, because there's some things that are going on in employment that work the same way. And it's amazing to me, like in the Denny's case, when they could never find black food service and managers, as soon as that lawsuit went through, all of a sudden you can't go into a Denny's without finding more blacks there than ever before.

So it has to come from the top, and it has to be something that stimulates it from the top. And we're not naive about it; we know it's got to take some resources. And a lot of our agencies were designed to fail or at least not be too effective. We're not naive about that either.

[Audience response, laughing.]

**Mr. McElrath.** I don't want to get on my soapbox.

**Dr. Berry.** Let me ask you, could you succinctly state for me, because I'm a little bit confused, not in any—just in a concise way.

**Mr. McElrath.** Yes.

**Dr. Berry.** What it is your agency could do if you did anything?

**Mr. McElrath.** Yes.

**Dr. Berry.** In other words, what do you have jurisdiction to do if you did do something here?

**Mr. McElrath.** When it comes to the area of employment, housing discrimination, we have statutes and public accommodations that we can enforce and go into court with. When it comes to the area of areas like race relations, things of that nature, we can provide technical assistance, we can provide training, we can provide—when the funds are there, we can even provide money to set up and develop curriculum for police-community relations workshops that were very effective in the 1980s in the State of Florida. They died out in the 1990s in many places. But we did some things over in Tampa and some other places that were very effective.

**Dr. Berry.** Okay.

**Dr. Berry.** Now does that—now having told me that—code violations, which we discussed here last night, if it could be shown that code violations were unevenly addressed on the basis of race, would your agency have jurisdiction over that?

**Mr. McElrath.** The attorney general's office would be the enforcement agency. Our agency could make recommendations as to what is happening there. But to enforce it, it wouldn't be enforced under our statute. It would have to be enforced under a different statute.

**Dr. Berry.** What could you do about it?

**Mr. McElrath.** What we could do as an agency is make a recommendation to the attorney general. If we can tie it in in such a way that—for example, if an agency was receiving HUD funds, or something of that nature, then we may also be able to work with the Department of House and Urban Developments, as one of their contract agencies, get one of their titles, Title 1 or Title 3 or Title 6, or whatever, action involved against them, and we do work with them.

**Dr. Berry.** And employment. Some of the allegations that have been made here have to do with people having high level skills who are either unable to find employment or discriminated against, in either entering into employment, getting promotion in employment based on—

**Mr. McElrath.** That's our baby. That's our baby.

**Dr. Berry.** Do you have any jurisdiction over that?

**Mr. McElrath.** Yes, we do. That's our baby, 706.

**Dr. Berry.** So that—

**Mr. McElrath.** Now, under the work sharing agreement, if they file under the Federal statute or the local agency statute, our office would not initiate an investigation if those two agencies, one of the two agencies were doing it, because a work sharing agreement exists within the State. However, if a person says, "I would like for the State to do it rather than some other agency," then our jurisdiction would kick in.

**Dr. Berry.** What if the person doesn't have any idea who to ask to do anything? They just come here to allege for the record that there are facts that lead them to believe that discrimination has occurred, and it's in our record.

**Mr. McElrath.** Well, the working relationship that we have with the local agencies and the Federal agencies, we make them aware, or at least my understanding is of that—and I really truly believe it happens in most places, that they try to make them aware of what their rights are and what their options are that they have, because people don't always know. We know that everybody is not sophisticated about the government's system, because, you know, we've got so many things in place. But try to advise them, and advise them accordingly.

**Dr. Berry.** Okay. All right, thank you.

**Rabbi Agin.** Thank you very much.

**Mr. Eng.** Excuse me.

**Rabbi Agin.** Mr. Eng?

**Mr. Eng.** One question, if I could.

**Rabbi Agin.** Sure.

**Mr. Eng.** Just as a followup to Chairperson Berry's remarks here, sir. I'm from the south Florida area, and it may be a different structure than you have here in Pinellas County. And from time to time we have inquiries from our community about various allegations of discrimination. Now, in what appears to be layers on layers of bureaucracy as to local jurisdiction, State jurisdiction, Federal jurisdiction, is there a place where they could write to the Florida Human Rights Commission and get the information about which agency they need to go to?

**Mr. McElrath.** Yes.

**Mr. Eng.** Would you be willing to provide that information?

**Mr. McElrath.** They don't even have to do that. They can do that. We have commissioners out of south Florida, Attorney Gerald Richman from out of south Florida. He was in Miami, he has offices there and also one West Palm Beach. And we also have Robert Joyce who works for the school system there, the junior college system.

**Mr. Eng.** Yes, sir.

**Mr. McElrath.** One of the things that they could do, if they go to EEOC, EEOC will apprise them of that, because we have work sharing agreements, and most of everything in south Florida is either done by Marcus Rigolotta's

[phonetic] office, which is the human rights agency there, it's Metro-Dade Equal Opportunity Office. They do enforcement, they do both housing and employment, and you also have EEOC there, and there is a HUD office down there that does investigations. There's also a testing program there. They have one of the best testing programs in the country right there, called HOPE—

**Mr. Eng.** Right.

**Mr. McElrath.** —that does fair housing testing.

**Mr. Eng.** Yes, I'm familiar with them. But, unfortunately, from the county above that—Dade and Broward, they have a local human rights commission.

**Mr. McElrath.** You have Gloria Battles there in Broward County.

**Mr. Eng.** Right.

**Mr. McElrath.** Yes.

**Mr. Eng.** So it would be best for them to say to go to that office, and then they could be advised of their options.

**Mr. McElrath.** Yes, and they will apprise them of what State relationship, because most times most of the local agencies will do a file with the State and the Federal Government as well, because they want the people's rights protected so in case the process takes any length of time, they have an option of whichever court they want to go into.

**Mr. Eng.** Thank you, sir.

**Mr. McElrath.** Yes.

**Rabbi Agin.** Thank you very much, sir.

**Mr. McElrath.** Thank you very much.

**Rabbi Agin.** Appreciate that.

**Mr. McElrath.** Thank you.

**Rabbi Agin.** Next the Honorable Mayor David J. Fischer, St. Petersburg.

**Mayor Fischer.** Good afternoon.

**Rabbi Agin.** Good afternoon. Appreciate your hospitality.

#### **Statement of David J. Fischer, Mayor of St. Petersburg**

**Mayor Fischer.** Well, thank you very much. And I want to thank all of you for taking time out of your busy schedules to come to St. Petersburg, and especially Mr. Doctor, and I know Ms. Berry came down real early in the game here. We asked them to come to help us. They've been here before. Certainly Mr. Doctor has been here twice.

And I don't know how much you know, you've gone back into the history of St. Petersburg, and I wanted to do that a little bit for you, to see where we were, where we got to, and what happened to get us here today.

We had, of course, tensions 4 years ago, and they raised to quite a height, and then the tensions even changed the form of government, and I went from a weak mayor, or city manager form of government, to a strong mayor form of government because of those tensions. And Mr. Doctor came

down, came down with a group and said, sure enough, St. Petersburg was not doing very well in racial relations.

I wanted to just give you a real brief, a little update on what we did about that, so you can see what we did to get where we were, and then maybe, obviously, where we've failed, and that's of course what you're hearing. We recognized that there was not a level playing field, and as communities try to rise to the occasion to meet that, it takes a lot of effort, and it's a very complicated thing.

One of the first things we did was in the neighborhoods, and we formed a neighborhood department, the first one the city ever had, and various neighborhoods came up—we called them at-risk neighborhoods—with the neighborhood plans. And the neighborhood plans were formed both by the neighborhood associations and by the city so they could come up with an idea how to raise the sights of their neighborhood and make them better.

The majority of those neighborhoods, at-risk neighborhoods, were either mixed, or they were mostly black, but they were mostly neighborhoods that had neighborhood associations that were working hard, they wanted to be partners, and we went at it.

And we went at it by forming an operation called "Operation Commitment." In other words, a neighborhood would come in and say, "Here's our plan." It would be blessed by the planning commission, blessed by the city council, and I said, "All right, let's find out if it works. Rather than dragging this on for a number of years, let's hit it hard for 6 months and see if we can't accomplish the goals," and we did that.

And we took some minority neighborhoods and mixed neighborhoods, and put efforts in those neighborhoods that have never been seen. I don't believe, in this city's history, certainly not a focus like we did. I heard you mention a minute ago about codes, we had "codes compliance." I changed that to "codes assistance." We knew that when we got into some of the lower economic neighborhoods, that to bring them up and make the neighborhood more liveable, codes was going to be a tough deal, and we were going to come across a lot of people without the wherewithal maybe to fix their houses up; they may be elderly, they may be economically strapped, but for whatever reason, this was going to take place.

Our new neighborhood department formed a team called the "N" Team, and you may have heard about this, Mr. Gilder got together with the corrections department here right in St. Petersburg, and got inmates to help to correct and assist the homeowners, and all of a sudden this truck would come up, and out would come people to fix the electricity, the plumbing, paint the house,

whatever it took to bring it up to code. We've done that for about 3½ years, and to date, they've helped over 500 houses. So where codes can lay heavy, in would come this "N" Team, fix up the houses at no cost, and go away. So we knew that could be a problem, and we addressed that.

We had new associations pop up in the black community that had never been there before. I told neighborhoods that we can't really help you come up and lift up your face and be more liveable if you won't be a partner. We can come through with some—to the assistance, but we go away and it all goes for naught. So neighborhood associations started popping up in the black communities, and people started going to meetings, and some of the older associations took hold like never before. And that was part of the success we were starting to have for the first time in black neighborhoods. Recreation centers were improved along with neighbors' suggestions, facilities were expanded, streets were made, sidewalks, lighting, landscaping, housing.

We had a new housing initiative called the "WIN program." You've heard housing, you've heard HUD today, so you've heard some of that. But our housing initiative is an example. Using Federal programs, we assisted 11 houses in 1991. By 1995 we had assisted 196 in that year, just to give you an idea the momentum that's been built up to renovate and find and put new homeowners in new homes. A neighborhood classically might have 60 percent renters and 40 percent owners. We wanted to reverse that, because we knew that stakeholders were important, and we wanted to do that.

I've heard mention also about community policing, and that became a big part of our neighborhood improvement program. Resource Centers started popping up in black neighborhoods, and the community police officers started going to neighborhood meetings. And every time I went to a neighborhood meeting there would be one or two, or maybe three or four, community police officers at those neighborhood meetings. They were taking a major part in the neighborhoods, and also even painting homes. Also the whole police department would have maybe 15 or 20 police officers helping to fix up a home on a given Saturday. They were participating in their neighborhood.

I've heard it spoken here a little bit about our civilian review committee. Cities our size, quarter-million class, only about 25 percent have anything like a civilian review committee of police work. St. Petersburg is not only one of those 25 percent, but we are probably one of—probably the first in the State to do it. We did it 5 years ago. And I know that some people don't think it has the horsepower it should, and we'll certainly address that. But we were on the front edge of having a civilian review committee looking at police conduct.

I heard mention also about our MBE program. We can get those statistics for you. We have a strong MBE program, and we have ambitious goals, but—and we kind of raise the sights every time we reach the old goals, but we're doing, I think, a very good job with that.

We've made a big emphasis in the last 4 years to make sure that all the boards who sit up where you're sitting there, be it planning commissions, board of adjustments, codes, whatever, always have a diversified membership so that they reflect the community. And they do that now, all our boards reflect our community in that fashion.

I've mentioned now the things that I think St. Petersburg was doing right, the last time Mr. Doctor was here, the things we tried to do, and we went out—in fact, we thought we were doing so right that we went out last June to Ft. Worth, Texas, and we had become one of the finalists for the All-America City selection, and we put on a strong performance there.

And then after that, we actually had a Vice Presidential debate here in October, and that was the same month, of course, we had the disturbance.

So the city was making a move, and yet we had left out some big pieces, and certainly, one of the pieces was the economics and the viability of the inner city, the jobs, training, skills, and it was a big hole. And I know that word—the article that William Wilson wrote on when work disappears, how devastating that can be to an inner city. It destroys the hopes and aspirations, and finally gives into frustration that we experience. It's a big piece of the puzzle.

That's why after the disturbance I went to the highest level I could go, I went to the President of the United States, and said, "Mr. President, we presented to you about 2½ years ago a program that would help us fill that gap, and I'm coming back to you today. I ask you for help, because this gap that we have has erupted on us."

And the President assigned, of course, Mr. Cisneros, who came down here and spent 3 days, and came back to us and said, basically, "St. Petersburg, we're going to help you."

I don't want this help to be a Band-aid. I don't want it to be wallpaper papered over it. I want it to have impact. I want to make sure that the young people who feel left out have an opportunity, and we eradicate the reasons for the disturbances over a period of time the very best we can in this city.

What we want, and I appreciate your coming here, we do want the truth. We are going to start tonight, I think, as you know, with a community task force, and it's large, and I know it is—we're trying—I think maybe the whole community wants to partake in this, and that's encouraging. But we want this task force that's made up of a lot of agencies that do programs right now. It's made up of institutions like education, it's made up of

neighborhood leaders, it's made up of religious leaders, it's made up of grass roots people—it's made up of as many cross-sections as we could get together in one room, and come out with some answers.

If work is the problem, then let's have some employers there that can tell what they're looking for, and the problems they have, maybe, with employment, and then maybe the institutions that train the people and recruit the people know what they can look for also.

I want to make sure that this group deals with education, deals with family, deals with work, deals with police, because I think you've heard certainly in the last day and a half that policing is viewed on different levels, and if we don't come to grips with that, we're kidding ourselves, too. We've got to do that.

And, in the end, a vision that we level the playing field for all our citizens, and that our citizens accept the responsibility, and we build a solid platform for this city to move forward on. Because whatever we moved forward on had an empty plank, and we want to fill that plank. So we are ready and we are willing and we want to get started with it, and appreciate your observations.

I'll try to answer any questions I have from you. I look forward to your assessment of us. We're not afraid of it. We're looking forward to it. And we want to do what's necessary.

Rabbi Agin. Thank you, Mr. Mayor. Everyone here, I am sure, has a multitude of questions to ask based on the input from the public last night, and I'm sure that you must have seen some of that input on TV last night. There are some issues for me to attack, but I don't want to hog all the questions.

When you said you worked in the area to help those people with their housing problems, in terms of fixing their houses up, and, you know, doing some painting and plumbing and what have you, was that same area where the riots took place?

Mayor Fischer. Some of it certainly was, yes, sir.

Voice from Audience. No.

Rabbi Agin. Sir, please, sir, let's give all due respect to the mayor. I've asked him a question, please allow him to answer. You may not agree with him, and that's your prerogative, but I'm asking him for an answer, and I must let him answer. At some point, when we have public input again, and we will stick to the timing factor at that time, you may voice your feelings.

Mr. Mayor? Sorry.

Mayor Fischer. Okay, I think it was—it would depend if a code—what we call a "code sweep" had taken place in those neighborhoods. I'm not sure that code sweeps have taken place there. But if code sweeps had—I'm going to guess that certainly depending on what your area of disturbance is, how

big it is, that's how, I think, plenty of work had been done in there.

**Rabbi Agin.** Okay. You mentioned something about lighting, and one of the people the other day, last night, mentioned a situation that the lights are brighter on one side and they're dimmer on the other. Do you put different lighting on certain parts of the city?

**Mayor Fischer.** Not that I know of, no.

**Rabbi Agin.** Okay, I'm just saying that, do you know for a fact if that statement is incorrect?

**Mayor Fischer.** I don't know that it's incorrect.

**Rabbi Agin.** Okay.

**Mayor Fischer.** We could have brighter globes in one spot than others, but I don't know that that's—

**Rabbi Agin.** In other words, better light, you don't know. You're not sure about that.

**Mayor Fischer.** I'm not sure what it means.

**Rabbi Agin.** That you have a larger wattage on one side—

**Mayor Fischer.** Could be.

**Rabbi Agin.** —a low wattage on the other side.

**Mayor Fischer.** It could be, but I'm not sure.

**Rabbi Agin.** Okay, all right.

**Dr. Berry.** Could he check it?

**Rabbi Agin.** Could you investigate that?

**Mayor Fischer.** Sure. Yes, sir.

**Rabbi Agin.** And if you would let us—I'm just listening to my mother.

[Laughter.]

**Rabbi Agin.** If you can get that to us in writing, I would appreciate that.

**Mayor Fischer.** Sure.

**Rabbi Agin.** In terms of the police review for conduct of policemen, very disturbing reports came out last night. And then, of course, I read today in the newspaper regarding the police chief and the amount of confidence that's given to him. From what I've read, and I could have been mistaken, it appears that he has zero support in terms of confidence, support and confidence; therefore, how effective can the police chief be?

**Mayor Fischer.** Well, a couple observations. We have a uniformed police department of roughly 500, and there's, I guess, maybe 275 respondents in there, so there's another 225 that got ballots that didn't turn them in. I don't know what that means. That's one thing.

Number two, I think votes of confidence in a police chief can be kind of a classical nature; that is, if a chief comes in that's radically different than the prior chief, you're going to get a "no" vote right away. If you're going to make big changes like he has in how to police, you're going to get a "no" vote pretty quick. If you have an inner group that thinks they have a certain influence in the police department that thinks they're losing that, you're going to get a "no" vote pretty quick.

So I think the chief in his effort to change the way the policing was done and move it into the 21st century gets big "no" votes of confidence, and I think that might be pretty natural around the country if this happens with a deep culture of a police department. So I'm not sure how to answer your question right now.

**Rabbi Agin.** Right. In terms of the structure of your police department, how many of them, how many in the police department are minorities in terms of position, captain, chief, whatever your positions are?

**Mayor Fischer.** Okay, I'm not—the chief, you're going to hear from in a minute, so he'll have all those stats for you. It might be better for him to answer that.

**Rabbi Agin.** Okay. I'm going to rest my case for a while.

**Mayor Fischer.** Okay.

**Rabbi Agin.** Mr. Ingram?

**Mr. Ingram.** Mr. Mayor, a couple of questions, and my grandmother—my mother here also corrected me when I was talking to the director of HUD. But one thing I know, that you're the chief executive officer of this city, so therefore I guess everything that happens in this city, good, bad, and the indifferent, falls on your lap. I want to talk about Jordan Park a little bit.

**Mayor Fischer.** Yes, sir.

**Mr. Ingram.** And the fact that there appeared to have been an effort towards the demolition of that community without any apparent concern for the residents of that community. Was that with your support, or were you not aware of the fact that the demolition was about to take place, even down to the cutting of the trees?

**Mayor Fischer.** Well, I don't know about—my impression was I had met with a housing executive director, but this was strictly a very sketchy thing, and he wanted to improve the conditions of Jordan Park, and he had various formulas, various ideas that he had never even presented to his board, so it was very hazy. And my advice to him was, I said, "You know, before the city does anything in a neighborhood, we go out and we make sure that the neighborhood approves of this before we take the next step, and that is something that you'll have to do."

Then they had a new chairman come on board, and I repeated that to him, I said that, "Before you make any steps, you want to make sure you've got—you look behind you and the community is behind you, or you're going to have a very difficult time."

**Mr. Ingram.** Well, then are you saying then that maybe he was about to proceed without your approval and support?

**Mayor Fischer.** Well, he couldn't proceed necessarily with or without my support. The

housing authority acts as an independent body here in St. Petersburg.

**Mr. Ingram.** Okay.

**Mayor Fischer.** It's not a St. Petersburg City Housing Authority, as such.

**Mr. Ingram.** Okay, so you have a housing authority that's independent.

**Mayor Fischer.** Yes.

**Mr. Ingram.** But you, as the mayor, would have some sort of influence in whatever happens there, because you ultimately would have the responsibility by the people.

**Mayor Fischer.** Well, we could certainly—as resistance grew, certainly I would have made it known, and I don't think I have to now, but certainly as the resistance grew I would have made it known that this is not in the best interest of the community, the path you are taking, but since it really hadn't been presented to the board, they hadn't gone out into the community, which I urged them to do, it hadn't gotten to that stage.

**Mr. Ingram.** Are you then as the mayor, based on what has happened with the Secretary, and based on what has happened with the President, the Vice President and all of those in the White House—well, the President most important, that we can let the community know that you as mayor will not be seeing—or they will not be seeing the demolition of that community as long as you are the chief executive officer of this city?

**Mayor Fischer.** I can make that statement, but I also can say that they won't get the money to do it from HUD. I mean, that's the real key there. Mr. Cisneros has said they're not going to be demolishing it. Tomorrow they could set up some models and everybody says, "Wait a minute, these models are so much better than the ones that were built in 1935, we want to change." So I don't want to make that statement—also the neighborhood might turn around and say, "We've seen what it can be and maybe that's what we want." So as long as they don't want it, they won't get an endorsement from me.

**Mr. Ingram.** My next question is the fact that you kind of heard the group's reaction over one of your comments about going out into the neighborhood. Do you feel that you're perceived well by the community or is there something that you as mayor probably could do better to make your image a little better in the community?

**Mayor Fischer.** I can always do better, and I would like to think that in the community, both white and black, that the work of the last 4 years has been encouraging to this community, both—on all sides. But how that will be perceived after the disturbances, I don't know.

**Mr. Ingram.** One final question. One gentleman got up last night and said that he had to spend about \$1,800 to get his son—I don't know if he said get his son out of jail or—get his son's car,

that people may have their cars parked in their yards and they cannot even get them repaired, because they don't have the money, or something, but code enforcement is going out, these people are being arrested, and these people are having their cars towed away and are you aware of that?

**Mayor Fischer.** Well, we have an ordinance in this city that forbids parking cars all over people's yards, and that's universal through the whole city. That's for neighborhood improvement. I mean, some neighborhoods don't want to have cars parked all over their neighborhood, and they like to have them parked on the street, where other cars are parked. So yes, that's part—that comes out of neighborhoods by the way. That's not just necessarily the city laying down on the citizens. The neighborhoods get together in their plans and they say, "How can we improve our neighborhood?" Well, one way to improve our neighborhood is get all the cars off all the sidewalks and off all the lawns, so that evolved from neighborhood input that they wanted to have an ordinance about cars parking all over the place. So it's possible that that can happen.

**Mr. Ingram.** Mr. Mayor, wouldn't you think that somehow an ordinance of that nature has to have some level of sensitivity to it? In an affluent community where there may be where a car does not need to be parked in the yard or a person has a garage to put the car in if they are attempting to restore it or keep it, but many poor people, the only place they have to park their car is in their yard, and if it breaks down, they may not have the money to repair it immediately. Isn't there some sort of way that there can be some sensitivity given to the situation so that people don't wind up finding themselves in jails or seeing their automobile confiscated from them because it's their only means of transportation, and that they are honestly trying to have it—you know, something done about it and not just creating a junk yard. I could probably understand—but one car? I mean—

**Mayor Fischer.** We don't want to be insensitive. Mr. Ingram. But you kind of answered your own question too. We don't want a junk yard, but we don't want to harass somebody with one car out there that they're trying to fix.

**Mr. Ingram.** But the perception from the community, based on last night, is that there is an insensitivity based on whoever the code enforcement officers are that's going out, and that they are really not concerned if the car does not have a tag on it, or if it's been there for whatever period of time, but I'm saying isn't there some sort of way that maybe you can have these people understand that there ought to be a grace period or something?

**Mayor Fischer.** I've tried to change it from "codes compliance"—in fact, I think it was "codes enforcement" at one time, to "codes assistance." We do want our codes officers—and we have tried to



retrain the whole department to assist the people, and I'm sure what you're saying happens. It's not perfect, and we'll certainly look at that.

**Rabbi Agin.** Yes.

**Ms. Reynolds.** Mr. Mayor, I have three, and I'm going to start—at least I'm going to move back up. First of all, I heard the State say that they may call in to the city to see what could the State do to assist you in the area of community relations, in dealing with the tension between the racial group, and there was not a response. What is the role—and they kind of left it to the local human relations office—what has your local human relations office's role been in this entire incident from the beginning of the shooting and the rioting, the various fallout activity? What role has your local human relations office played in trying to bring about a process of healing or—

**Mayor Fischer.** Healing?

**Ms. Reynolds.** Yes.

**Mayor Fischer.** Actually you have a disturbance and you have an era of confusion for 3 or 4 days, a lot of finger pointing, and then you have a calm. And then you start to build, and that's kind of what we're doing really right now. We couldn't get out from under the first disturbance because we had another disturbance. And now for the first time you're here, starting to help, to hear, to help people who don't necessarily want to talk to me or the city but will talk to you, which is good.

Starting tonight with the task force it is bringing a lot of people together, you know, how can we get a real community going and not just one with planks missing here and there.

So I think that our human relations department has dealt really with the normal course of things it has been dealing with, which is MBE, housing discrimination, things like that, but I don't think it was developed—and maybe we're wrong here—as some type of catalyst that would bring the city together, the groups together that we're doing right now. I don't think they're designed to do that necessarily.

**Ms. Reynolds.** It's good that you bring that out, because traditionally community relations department or human relations department, a part of that role is to deal with the tension between groups within the organization. So that is clearly a misperception, at least on my part, and would probably extend on the State of Florida, since the State of Florida has been inactive, because they were giving an opportunity for your local office to come in and intervene and be that agency that would deal with that group relations, but so somewhere there is a misperception. I believe, also on the State part, believing that your local office has some role and responsibility in doing that. So I think there needs to be some clarifying for the State office.

**Mayor Fischer.** Back in 1968 during the Civil Rights Movement when we had disturbances here in St. Petersburg, it gave birth to an organization called the Community Alliance, and the Community Alliance is not related to the city. It operates under the roof of the Chamber of Commerce, but they provide secretarial staff and provide a meeting room for them, but that's it, and it's a broad-based group of around 40. I believe it's evenly distributed, black and white. And they were designed to work on the tension level, I think, more than our human relations department was.

**Ms. Reynolds.** All right. I think that that needs to be communicated to our State human rights office, because they believe that you have a mechanism here for going in and dealing with group relations, and I'm hearing you say that you don't. I think that needs to be clarified.

Number two, I'm going to pull these two together and I wanted to put it point blank to you, because I wanted to hear your response. We heard some horrifying stories and I'm sure if you heard or saw any of it, you heard some of the same, but I just want to ask you if you realize that there is a perception of a segment of the citizens that you had been elected as mayor of that you are totally insensitive to the needs and concerns of the citizens living on the south side and believing that there is two cities, rather than one, and one is not receiving equal services. They're receiving unequal services, and they're always the last to get, if they ever get, what the others are getting.

And I just would like to hear your response to that and what are your plans, you know, my perception is my reality, particularly when I walk outside my door and I see what I'm articulating, and I come down to another side—I happen to live on the south side and I look on the north side, and it's a much more desirable place to live than where I am. So that as to my perception of leadership's insensitivity to my plight. So what is your plan or in all of this—hindsight, all the things that have happened after all that has taken place here, what is your plan to include the south side, not only in changing their perception of how you perceive their needs and concerns, but involving them in the economic development and growth of the city?

**Mayor Fischer.** Okay. First of all, I wish we didn't have a north side, south side. I wish we were all one community, and—

**Ms. Reynolds.** I wish we would. That's not the way it's been presented to us.

**Mayor Fischer.** Really. What I started out by saying, my lead-in was what we had tried to do over the last 4 years to level the playing field. When we really went to the neighborhoods and got them to be partners in improving the neighborhood, and that's where we run amok with cars on lawns and things like that.

It's going to conflict, and we want all our neighborhoods to have an equal opportunity, and we started to do that in a number of neighborhoods in the black community. In fact, if I had a map, it would show St. Petersburg and it would show the Bay here and it would show the Gulf there and would show the new neighborhood associations that have been formed, and would show the operation commitments that we've had, and it would show a blank area also.

Unfortunately, the blank area is where the disturbance took place. I knew that in putting the puzzle together we had to join to get it across, so that each neighborhood had clear identity, had hope, had resources and we have the resources, not to do them all at once, but they're looking for the leadership for the neighborhood association to be a partner, and that was my dream, to put together—to put this quilt together, and we would stretch all the way across the city.

We didn't get there, but we had only been at it for some 3¼ years, but we're going to get there. And that is one of my visions, to do exactly that. In fact, I could state a fact, and that is that as far as dollars go, the dollars that we've put into the neighborhoods that I've described, far outweigh any other area of the city over the last 3 and a half years, so it has been a big effort in those neighborhoods.

**Mr. McDuffie.** I have questions about the economics based on—let me ask them all and then you can just respond. As relates to the banks that you deal with that you're getting the \$20 million from the Federal Government, and I heard HUD say they're going to give you basically \$12 million. You're going to put all this money into a certain bank. Is that bank participating with the city in their CRA commitment to put monies, loan monies to small businesses? And also, when the city received this State initiative housing program money, are you using community-based groups to help those groups work with these 100 and some houses that you're renovating to help train those people in those communities? And when you receive your Pride in History Council money from the State, are you investing that money in long range plans?—because most of the State of Florida been investing their money in shark programs and no training people over making \$7 an hour? With the new State of Florida Work Force Program, are you going to invest some of that money in long term training?

**Mayor Fischer.** We definitely want to do that. You asked, I think, a couple questions there. One was the CRA banks who participated.

**Mr. McDuffie.** Yes.

**Mayor Fischer.** What we've done in the neighborhood plans and in the target neighborhoods, we've literally assigned a bank to each neighborhood, so the four or five neighborhoods

that were Operation Commitment neighborhoods, target neighborhoods that I described, each one had a bank that literally went into the neighborhood, and even held festivals in the neighborhood. The banks would have a booth there, because I told the banks, I said, "Now that you're willing to participate in the neighborhood, to provide the loans for people to own rather than rent for the first time, they're not going to come to your bank. You've got to go to the neighborhood, you've got to get out," and they did. And they've gone out and so we have a lot of banks here that are participating strongly in these at-risk neighborhoods. And you're right, those are the banks that should have the deposits, because they're putting it back into the community where it should belong.

As far as job training, up until now—this is what I hope we will really do—up to now it's been sporadic. We have a lot of agencies in town that are doing job training, but it doesn't have the impact that we want. If we could focus on job training and job development and the employer coming into the area, which we are now geared to do, so that jobs will be close enough for the applicant to get to, and we do that on a big enough scale, we're going to make a difference. Up until now I think it's been very sporadic.

**Mr. McDuffie.** What about the State housing initiative money, SHIP program money that most cities get from the State, and a lot of areas use that money to do group homes, when that money could be used to do rehab?

**Mayor Fischer.** I think we do both with that money.

**Mr. McDuffie.** Are you using it in the community-based groups?

**Mayor Fischer.** Yes.

**Mr. McDuffie.** To work with them?

**Mayor Fischer.** Yes.

**Rabbi Agin.** Okay. Yes, ma'am.

**Dr. Berry.** I have three questions, Mr. Mayor. The first one is, Has the information that's contained in the Federal funding approved by the President, the detailed information, been made available to the public here?

**Mayor Fischer.** As detailed as we have has been made available, I believe.

**Dr. Berry.** In other words, the public here has the entire task force report that was sent to the President that he approved, so that they know the detailed—

**Mayor Fischer.** I don't have that in front of me and I don't know which one that is, but everything that we've gotten is available for sure.

**Dr. Berry.** Earlier we had Mr. Milburn from HUD read that part of the task force letter that the Secretary sent to the President describing the HUD portion in detail. Did you hear that reading?

**Mayor Fischer.** Was that already said that like \$5 million was going to be available?

**Dr. Berry.** The President—

**Mayor Fischer.** I did hear some of that, yes.

**Dr. Berry.** Do you have the document which is called "Federal Response to the Civil Disturbances in St. Petersburg, Florida," with the detailed—

**Mayor Fischer.** I don't believe we do.

**Dr. Berry.** All right. Because I think it would be well to make available to the community so that they know, so that if you don't have it, I will ask that it be made available to you, and would you please release it to the public?

**Mayor Fischer.** Sure will, and I think it was pretty sketchy what we got the other day from—

**Dr. Berry.** This is a long document.

**Mayor Fischer.** Yes, we didn't get that.

**Dr. Berry.** Second, because I think it's important, the second thing is what in your view will be the relationship between the advisory board that the President approved to assist the Federal task force, which is described to the President as having the power to approve or veto the recommendations of the task force, and provide guidance concerning the use of Federal funds and assistance, targeted to the recovery of St. Petersburg? This advisory board, which will have 11 members, 5 from the Coalition of African American Leadership, 3 selected by the Chamber of Commerce, and 3 by you, Mr. Mayor. What is your understanding of the relationship between that advisory board and the group that you'll be organizing tonight and meeting with? Do you see any relationship at all?

**Mayor Fischer.** They'll all be there. They're all invited to be part of the overall task force, but of course the task force is that—I think everybody in that group—the five coalition members, who I don't know they are right now, but they've all been invited to be there tonight.

**Dr. Berry.** Now, in terms of implementing the use of the funds, is it your understanding—what do you understand that the local advisory board will do in terms of the disbursement, the approval of, and the use of the funds that are made available by the Federal Government?

**Mayor Fischer.** I think the Federal Government—I think what Mr. Cisneros was saying was that before they do anything, they want to have a sounding board and they want to have a partner or somebody that buys into what they're going to do. They want community approval of what they do.

**Dr. Berry.** Okay. And you understand that that is to take place?

**Mayor Fischer.** Yes.

**Dr. Berry.** The other question I wanted to ask is were you a part of the consultation process and did you approve the activities of the police department and the preventative measures that they took after when the verdict was being announced, concerning the police officer and the killing, and then after that the events at Uhuru occurred that were described to us last night, and

in the press the police department and police officers recorded as saying that it was done to prevent violence when the verdict came out, and that the mayor and the police chief had asked that these actions be taken, were you part of that process or not?

**Mayor Fischer.** No, I heard it after the fact.

**Dr. Berry.** So you did not know that these activities would be engaged in? Okay. I'm going to ask the police chief about it.

The last question I have to ask, and Mr. Ingram was going to ask you a question about this, but I'm just going to call to the attention of the group, that you earlier answered questions concerning Jordan Park, and you were asked some questions about your role in the decision to recommend the demolition application. And without saying what I understood you to say, which could be read back from the record, I will simply read from a letter which has been called to my attention, sent to you in May by Darrell J. Irions, described as executive director.

And this letter, part of which I will quote, says, "As a requirement of the demolition application, the housing authority must provide evidence of consultation with the City of St. Petersburg chief executive officer. To assist you with your assessment of the proposed action, I have enclosed for your review a copy of the meeting minutes regarding the proposed action, as well as the written comments received from Jordan Park residents. It is requested that you provide any comments concerning an alternative you may have regarding the proposed action."

There is attached to this a certification which is signed by what purports to be your signature, Mr. Mayor, on 5/8 and it says, "Housing Assistance Plan Certification. I, David J. Fischer, am the Mayor of the City of St. Petersburg, Florida, and as such hereby certify to the following. A replacement housing plan has been prepared to be included in the proposal to the U.S. Department of Housing and Urban Development, as part of the partial demolition request prepared by the Housing Authority of the City of St. Petersburg for Jordan Park, a family public housing development consisting of 446 units," etc.

Mr. Ingram, I turn it over to you.

**Mr. Ingram.** Mr. Mayor, I'm back to my original question again, and that is did this matter proceed without your knowledge and without your approval for the demolition of Jordan Park?

**Mayor Fischer.** Okay. When Mr. Irions brought that in, there was no final decision, nothing was final on that at all, whether it be 100 percent, 0 percent. They were having concepts at the time and I said, "Mr. Irions, nothing has been approved. You haven't shown it to the board; you haven't shown it to your neighborhood; how can I sign this?" He said, "There is a deadline, all I want

to do is get the application in and then we can decide later how we want to do it."

**Mr. Ingram.** Mr. Mayor, I think what happens is that—maybe I have been an African American a little longer than you, and that's been for 49 years of my life, and it always appears that when events and activities start to take place that impacts upon African Americans, it's always, "Well, it was a deadline."

We're talking about May of 1996 and we're talking about the fact that when I was out there yesterday I was told that the dump trucks, the bulldozers, and all were present within the last few weeks to talk about the demolition of Jordan Park.

I think that what has to happen, Mr. Mayor, that if this city is going to prosper, if this city is going to grow, all people, all residents of St. Petersburg must have faith in what the chief executive officer says to them, and they must believe that the chief executive officer is giving them correct and honest information.

I'm not suggesting that you're not giving honest information. I'm just saying that a letter or a petition or a certification has your signature or a signature that says the Mayor, City of St. Petersburg, that the last two paragraphs, which Ms. Berry did not read, said, "The City of St. Petersburg has assisted in the preparation of the replacement housing plan by providing comments, concerns, or alternatives. The replacement housing plan is consistent with the housing assistance plan of the City of St. Petersburg and is hereby approved and effective from the date of signature," and signed by David J. Fischer, Mayor, City of St. Petersburg.

**Mayor Fischer.** I think that as far as getting into an overall housing strategy, without judging and whether the neighborhood or the community fits into a housing strategy. I think that's just kind of a "vanilla" statement. I think at the time that I sat with Mr. Irions and his board chairman, and they had done a survey. They had done a survey which I think was positive at that time. It turned somewhere in there to being not positive, but at that time when I queried about what do the residents think about this, I think the reaction I got, "Well, we're a long way from coming to any final conclusions, but so far it's been positive."

**Dr. Berry.** Mr. Ingram, I think that the matter speaks for itself, *res ipsa loquitur*, and that therefore we should not pursue this any further, and because the documents are there and you have already expressed your understanding that candor is necessary for people to have a trust relationship, and so I am just puzzled as to why the mayor just simply didn't say, yes, I approved something having to do with the demolition, but I'm rethinking it, that was not a good thing to do, or I should have rethought it or it was done preliminarily, but to make flat statements that one was not involved

in something, when in fact one was, does not inspire confidence.

But I think we should leave it at that and, Mr. Chairman, if other people have other questions on other things—will you leave it at that?

**Mr. Ingram.** We'll yield to the chair.

**Rabbi Agin.** Brad.

**Dr. Brown.** Thank you. First I just have a request, and that is could you see that we got to see the racial breakdown of your code enforcement officer staff or your code assistance officer staff?

**Mayor Fischer.** Yes.

**Dr. Brown.** I'd appreciate seeing that. My second question and I have a final one—last night we had members tell us that they had proposed that there would be a meeting. Asking you to call a meeting with leaders of the coalition and the CEOs of some of the major movers and shakers, the Chamber of Commerce, the tourists and visitors board, and then the CEOs of county and the school board, and as of that time they had not had a response from you. In the interest of dialogue, is there an effort to move forward? It seems to me that that is a very powerful group to sit down and to be brought together and that you as the mayor may be a catalyst in that effort.

**Mayor Fischer.** Sure. At the time of the request we did respond and the response was, we'd be happy to do that, but I think the more powerful group is meeting tonight, where you get the bigger community together. I said we could use that group to brainstorm, you know, the bigger group, but why don't we wait until we get to the group tonight where we're going to have everybody included, and I think it will have more horsepower—that was my communication.

**Dr. Brown.** Those are—obviously I don't want to prejudge what could happen at the larger group, but I think that there is often more than one road that needs to be taken.

**Mayor Fischer.** Sure.

**Dr. Brown.** And certainly the very larger group is important, but then it's very specific groups that are concerned within that area that need to be brought in and need to be at the table, and I think that it's important that leaders in this community realize that those forces are there and they're important and they need to be part of that dialogue.

And finally, my question, in my reading of the newspaper accounts, and I preface that because they're history at a moving pace, so we don't naturally expect that they are always the most accurate—but it puts you as being very upset at the trial that was held at the Uhuru House in which there was a call for a guilty verdict and then a call for execution in the State of Florida's electric chair, and that was interpreted by the press as interpreting that that was calling for the—essentially calling for the execution of the indi-

viduals, and I'm wondering, in terms of the same reaction, what difference in terms of what was being asked for there, than when the Police Benevolent Association several years ago paraded a coffin with the name of the black assistant county manager that stepped in and fired Curtsinger. But I don't recall saying that they were calling for that individual to be buried, killed and buried, which was obviously what was implied, if you will, on the surface, by carrying a coffin with somebody's name, and I just—

**Mayor Fischer.** That's a good observation, and I've already brought that up to a number of groups. I've said that I didn't go and hire any bodyguards after I heard that. I was just—I felt it was a symbolic thing. If you hang a coach in effigy after losing a game, or whatever, I think those are maybe not good, but what you just said is exactly what I've said to some groups, that what happened with the coffin is very similar to what I think they were saying, and I took it as symbolic gesture.

**Dr. Brown.** That's not the impression that I got from reading the newspapers, but—and I think that's important when we look at the larger, predominantly white community in St. Petersburg. I think that message is important to get clear, that I think that trial was real, in the sense that people met, that was their judgment. There's a difference between making that judgment and saying something that obviously they don't control the Florida State execution chair, and at the same time people ought to remember what happened a few years ago, that demonstration, in which the same symbolism of death of the black county manager was involved.

**Mayor Fischer.** Sure.

**Dr. Brown.** Thank you.

**Rabbi Agin.** Linda and then Bob Brake afterwards.

**Ms. Garcia.** Thank you. I was struck by your comments about the human relations office for St. Petersburg, in that you didn't perceive their role as that of race relationships within the community, and having worked for human relations office, a local human relations office, and seeing my role very differently when I was in that job. I guess I would submit to you that maybe you should consider making that part of that agency's role, to foster better relationships, and perhaps foster better police community relationships.

**Mayor Fischer.** Well, it was brought up today and I hadn't thought about other cities and what they do with their human relations departments, and that's worth exploring to see what they do or how they do it, yes.

**Ms. Garcia.** I'd very much encourage that. Also, there were several people yesterday who spoke about the perception that African Americans could not assemble in parks, public parks. Could you address that? I'm very confused by that.

**Mayor Fischer.** Sure. What happened last summer was that we were hearing from neighborhoods that large congregations, somewhere up to 700 or 800 youths were congregating in some parks, and they had a band there and there were the possibilities of alcohol or drug abuse, and that neighbors became concerned. Something that we might have passed over a few years ago, now that we have formed neighborhood associations, when neighbors now felt empowered that maybe would not complain before, they were saying, "Hey, this is very uncomfortable for us."

So when the groups got that large and bands apparently would come in and send out pamphlets, and to do that and bring in a large body of people, because they were going to perform in a park—when that happens in St. Petersburg, which can happen, but they have to get permits, they have to show security. They were being done on kind of a spontaneous basis that we thought the neighbors were calling us about, and we thought it was getting to be too big, so we decided to ask for smaller groups.

**Ms. Garcia.** And I can understand if you're talking about 700 or 800 people. The numbers that we were hearing were 5 people and 10 people were not permitted to congregate.

**Mayor Fischer.** Well, I mean, I'm in the parks all the time, and obviously they're loaded with people playing basketball, standing around. Everything is happening in the parks. I don't know where that comes from.

**Ms. Garcia.** Just for your information, you might review some of the statements, because there is certainly the perception that much smaller groups are prohibited in this community, as well.

Also, you talked about the need to address policing in this area, and I think that we can all agree on that. And many of the comments have indicated that people feel certainly large numbers, and maybe even the majority, of the police in St. Petersburg are very competent, dedicated police officers, but there appears to be a sizable number of officers that don't conduct themselves in a professional manner, at least that's the perception of the African American community, and are exacerbating racial tension. What are your plans to deal with that?

**Mayor Fischer.** Well, yes. We've got to get to the root cause of that. We've had a very sensitive police chief, a very progressive police chief, who is aware of that, as he works through his department. We've got to do better with that, because it hurts not only the community but hurts the police department itself, and we're going to have to come to grips with that.

**Ms. Garcia.** But you don't have any specific plans in place at this time?

**Mayor Fischer.** Not specific plans.

**Ms. Garcia.** Thank you.

**Rabbi Agin.** Bob?

**Mr. Brake.** Mr. Mayor, many of the people who spoke to us last night spoke about their desire for district election of city commissioners, so that minorities could be represented. That struck a sympathetic cord with me, because in 1962 I was a Dade County commissioner, elected from a district where the *Miami Herald* and the Miami Chamber of Commerce decided to change the charter to require all elections to be at large. At that time I pointed out that district elections were the only way for minorities to be assured of representation on the board, and that the Chamber of Commerce and the *Herald* might some day find themselves in the minority themselves, and want to have the system changed. By 1990 the Latins had become the dominant political source in Dade County, and the *Herald* joined with the black community and the Anglo community to go into Federal court to get that changed.

Do you have in your city a charter review board that could study this question and hear the complaints of the people, and if so, have you considered referring this matter to the charter review board?

**Mayor Fischer.** We don't have an ongoing charter review committee, but we do have, I think, in our charter it calls for every 5 years to have a review. We have a system here whereby we have primaries in our districts and then we go to a final election which is citywide. Because of that, I think, we kind of get the best of—kind of the ward boss, but you get somebody who thinks of the whole community too. We have eight city council members, of which two are black. I've been on the city council in one way or another for 6 years, and it's always been that way, even though there's been reelections and what not, so I think what you generally have in many cases, you'll have coming out of the primary two blacks to go citywide. So it's working here and we're getting a good diversity on our council.

**Mr. Brake.** I would disagree with you about the effectiveness of the system, because it's been my experience, and I think the experience of Dade County that a local person could win in their district, and yet be defeated by the votes of the others countywide; and, therefore, the voice of the district which might be a voice that the others would not like to hear.

**Mayor Fischer.** Well, okay. If you're talking about the city, we do pretty good. If you're talking about the county, as Representative Bradley was showing you, demonstrating both on a school board and the county commission, it's pretty difficult, I think, for a minority to be elected. He's correct on that. But I think in the city we do pretty good.

**Mr. Brake.** You don't then have any plans to ask for a consideration of an amendment to all district elections rather than your dual system?

**Mayor Fischer.** The dual system—as I said, we don't have any plans for that right now. It's brought up from time to time, but there's nothing in the books right now.

**Rabbi Agin.** Mr. Clarkson.

**Dr. Clarkson.** Yes. I'd like to get your interpretation of the difference between what I heard last night and what I hear today. When I put the two together, they aren't the same place. And if I hadn't been here, I wouldn't have known that they were the same place. And the question I have is, is it a matter of communication, perception, the degree of resources, the timing, the difference in plans, expectations? I'd like to know what you think accounts for the differences, and I will say at this point I hope you recognize that there is this major difference between what you're telling us and what was told to us last night.

**Mayor Fischer.** Yes. It reminds me of the two observers that went over to Vietnam and they came back and one observer says, "Mr. President, I see this war is going to be over in 6 months," and the next observer said, "Mr. President, there's no win here, it's going to go on forever." And he asked them, "Are you sure you went to the same country?"

So this does happen, and I can—depending on who you talk to, and of course that's why you talk to a lot of people and you try to get a broad section, a good consensus, and so I can't—I'm not going to debate what you heard last night, but just to say that you're going to hear different things from different people, and you try to put that kaleidoscope together to come up with some answers and some help for us. We know we have problems, and I stated—I tried to demonstrate what we've done to get here and recognize that we have problems, obviously, and we want to get to that too.

**Dr. Clarkson.** But do you think it's because people don't understand what you've done or that the commitment of resources is not as much as what they thought they should have, or the timing isn't—that's what I'm trying to elicit from you, is to—what is your understanding of where the differences lie?

**Mayor Fischer.** Certainly, in a community, in making an effort in a neighborhood, there are going to be some neighbors that see it and some that may not see the same effort, and the neighborhoods, I think, that are seeing it and are active, appreciate what the city has done, because we've been partners with them. Those who don't see that and we haven't been partners yet with them, and I mentioned that we have a gap there—if that group came in, you would have a solid group to say we don't feel that lift in our neighborhood.

If you got the other group in here, they would. So it depends on the cross-section you would get. The only—this probably could be a PR job. I'm not the best PR guy on the things that we do, but we're

going to get to it and we have plans to get to it, and the disturbances didn't tell us we had to get to it. We knew we had to get to it, the same way we knew we had that plank missing in economic development. We knew that and we want to get there.

**Rabbi Agin.** Mr. Ingram.

**Mr. Ingram.** Thank you, sir. Mr. Mayor, as I walked out I saw the morning paper once again, and I'd like to know just your first thought when you woke up this morning and saw the headlines that said our lives are in danger? Do you believe that people's lives are in danger in the African American community?

**Mayor Fischer.** We have a crime rate in St. Petersburg, and there's a certain danger, but I don't think the statement our lives are in danger is accurate. We've done a lot of surveys in the city about perception of do you feel safe in your neighborhood or don't you, and I know in the black neighborhoods that they don't feel as safe as in some of the neighborhoods.

**Mr. Ingram.** Mr. Mayor—

**Mayor Fischer.** Yes.

**Mr. Ingram.** —the people weren't talking about their lives in danger by criminals. They were talking about their lives being in danger by law enforcement.

**Mayor Fischer.** All right. I understand that. Now I understand what you're saying, I'm sorry. No, I don't think so. I don't believe that.

**Mr. Ingram.** Okay.

**Rabbi Agin.** Mr. Eng.

**Mr. Eng.** Your Honor, I appreciate you visiting with us and with all respect to yourself and the council and the city of St. Petersburg; nevertheless, I feel that I need to ask a couple of questions here if I may, sir. People have alluded to statements that were made last night by various citizens of this city here. One of them was that the Uhuru Movement has been prohibited from distributing leaflets or fliers, pamphlets in the city of St. Petersburg. Would you care to comment upon that allegation?

**Mayor Fischer.** Well, anybody can hand out pamphlets, but you're restricted from putting them in mailboxes. There's certain restrictions on where you can and can't do it, but basically you can do that and you shouldn't be restricted.

**Mr. Eng.** As long as they're not say violating Federal law by putting it in a mailbox, there's an ability for them to pass out leaflets?

**Mayor Fischer.** I don't know why they can't do that.

**Mr. Eng.** I understand that. It concerned me: it raised a constitutional question, quite honestly.

**Mayor Fischer.** Sure.

**Mr. Eng.** Another concern expressed last night was, that perhaps in the City of St. Petersburg there has been a loss of the sense of public service

and what it means to be a public servant in the City of St. Petersburg and perhaps putting the cart before the horse. A statement was made that town hall meetings had been held in certain sections of the city to the loss or to the neglect of other sections of the city, specifically the south St. Petersburg area. I understand that you can't commit for the council, but do you see any problems with advocating a town hall meeting in south St. Petersburg for the benefit of the people in that section of the city, so that all residents of this city feel that they're included?

**Mayor Fischer.** That would be fine. I have no problem with that.

**Dr. Berry.** Mr. Mayor, I'm sorry, I promised, but let me just say to you, you've had several questions about perception, perception of the people in the community. Are you in the business of addressing and trying to remedy the negative perceptions of the citizens of your jurisdiction? Do you think that's your responsibility as the mayor?

**Mayor Fischer.** Well, it's my responsibility. A mayor is a lot of things and trying to eliminate negatives and unfair perceptions, and we can reverse that, we certainly want to do that. We can't build a community with negative perceptions. We can't get anywhere.

I'm out all the time in the neighborhoods and at the meetings and what not, and the esprit that I generally find up till now has been very good, but once again, I keep alluding back to the gaps that we have. No, it's my job to try to—

**Dr. Berry.** Well, the perception of the community people last night and today that the voting mechanism, the at-large system, hurts their opportunity for political participation. If I understood your response to the questions over here that I think Mr. Brake asked, you don't have any plans to deal with this issue. If there is this widespread, negative perception, would it be incumbent upon you as leader, if you did anything about it or not, to at least evaluate and review proposals to do something about it?

**Mayor Fischer.** Absolutely. Anything that's widespread we definitely want to deal with, and if that's a widespread perception, certainly we'd want to look at that.

**Dr. Berry.** How do you determine whether it's widespread or not?

**Mayor Fischer.** Well, we do a number of surveys. Both we've done them internally here and the newspaper does them from time to time, and we can ask the newspaper to do a survey of how they look at how we do it, and that's been challenged from time to time, and we've looked at it. We just haven't looked at it in the last 2 or 3 years, and the question was, "Are we looking at it right now?" We aren't, but we certainly can.

**Dr. Berry.** You were asked also whether you intended or had any present plans—Ms. Garcia



asked you this—to do anything about the police department, if you had any plans. You said you had no present plans, if I understood correctly.

**Mayor Fischer.** That's correct.

**Dr. Berry.** Have you considered calling in the Police Foundation? Have you considered having some—I mean, you have no—you can assure us today that you have no plan at all—

**Mayor Fischer.** Well, I'm going to have plans, I'm going to assure you of that. I would like to know—the police union has asked for an investigation. That was in the paper, but I want an outside look also at our police department, and we have some investigations going, but I think they may be too long. I'd like to have something quicker than that.

**Dr. Berry.** And the last, the very last question for me at least is to give you once more chance at the question I asked you about the events on the night of November 13 with the Uhuru Movement. You have stated that you were not involved at all in any consultations about the need to take preventative measures against the Uhuru House or the Uhuru members because the verdict was coming out. So I ask you again, sir, is it the case that you had no involvement in any consultations with the police chief or any other public official about the need to take action against the Uhuru Movement in a preventative way because the verdict was coming out?

**Mayor Fischer.** I stand by my first statement, and I heard after the fact and after I heard about it, I thought it was not a very wise thing to do.

**Dr. Berry.** Thank you.

**Ms. Garcia.** Could I have a followup question to that?

**Rabbi Agin.** Yes.

**Ms. Garcia.** The relationship that you have with your chief of police, do you feel like that's something you should have been consulted on?

**Mayor Fischer.** I do, and after the fact on something that I think that was that controversial—in general on the day-to-day activities of the police department, I'm not involved with their strategies and tactics, but I think on that particular one, I wish I had been.

**Mr. Ingram.** Mr. Mayor, are you aware that there is a group within the police department known as the green team and do you support the green team's involvement within the police department, if it does exist?

**Mayor Fischer.** Okay. There was—maybe it was dubbed from outside the police department, a group called the "green team," and this was 4 or 5 years ago, and that was done away with. I hadn't heard the expression really until the other day. I didn't know that there was still that dubbing of—I think it's a special drug task force, but it's not called the "green team" by the police department at all. So I'm not aware of any unit that is called the

green team at this time in the police department, nor has there been for a number of years.

**Rabbi Agin.** Mr. Mayor, there are—I'd like to thank you for spending so much time with us. Needless to say, it's really not enough time. We have many more issues to discuss with you, but I need to get to the other people who are part of this agenda.

I would hope that you would seriously consider for the good and welfare of your community to bring in some people, objective people, who are not involved in this community, to review things like the police department, and certain other agencies, because from within nothing is going to happen, because everybody pats everyone else on the back.

And if you bring in someone who is noncommitted to any department here, asking for their evaluation, while you may have to spend a few bucks to do that, I can only assume that you will have—you will build a much better relationship. You will build integrity. You will build trust, because right now it's not there.

And I don't envy your position. Would I want to be Mayor of St. Petersburg now? No, sir. No, sir. I wouldn't want that job, no matter what the six-figure salary is. But I would hope that you would take that lead, and if we can be of any assistance to you, and you have to put up with us and the way we feel, please do not hesitate to call upon Commissioner Berry.

**Dr. Berry.** And we thank you. Thank you for asking us to come.

**Mayor Fischer.** I knew—

**Dr. Berry.** I hope you don't regret it.

**Mayor Fischer.** I knew when you came, I was going to get it. That's okay. That goes with the territory. I do have one thing I'd like to leave with you, because it had to do with the HOPE application, and there was a letter that I sent along with that application. And on the sentence it said—[inaudible] ideas and proposals included in the HOPE Six grant application. I scratched that out and really said, single—continue the Housing Authority to improve the quality of life in this country, so it's a pretty generic thing, but I want to show you what I had scratched out in there, because we didn't want to endorse the proposal of the—

**Rabbi Agin.** I hear what you're saying. Thank you, Mr. Mayor. Appreciate it.

**Dr. Berry.** We need to tell people what this is. What this is is a letter dated September 9, 1996, and it does not change the certification that we read to you earlier; however, we will include this letter in the record. Thank you.

**Mr. Doctor.** We have a visitor's sign-in sheet and we would appreciate anyone who has not signed in up to this point, if you'd like that card, you can do so.



Rabbi Agin. We're moving right along now. We're on time. We're strong and of good courage—seek and you shall find, says the Bible. Okay. All right. Next we're going to hear from the members of the city council. We will let them speak and they each have a few minutes to speak, and then we will go on. We want them to speak and please be courteous to them, show them the same courtesy that you have shown all of us. I hope it's been good. All right. Mr. Edward Cole, Chairperson. Is Mr. Cole here?

Dr. Cole. Ms. Kone has a meeting and she wishes to speak first, so I will allow her to go ahead.

Rabbi Agin. Okay.

Dr. Cole. If that's all right.

Rabbi Agin. Sure. Ms. Kone, please. Thank you very much.

#### **Statement of Connie Kone, Member, St. Petersburg City Council**

Ms. Kone. Thank you. Mr. Chairman, it's a pleasure to welcome all of you to St. Petersburg, especially to Mr. Doctor and to Ms. Berry, who have been with us before. I'm sorry that you come here under such unfortunate circumstances.

I hesitated to speak to you at all because you will hear from some of my colleagues who have been here all of their lives, who have a much greater indepth knowledge of our community, who live in the troubled area, which I do not, and who probably have a different perspective than I am going to express to you. But the reason that I speak to you is because I understand how difficult it must be for you to come here from other jurisdictions and to try and make relevant decisions about our community.

I've been in the area since only 1972. I had not lived in the South before, so the whole subject of segregation, integration, was a relative new challenge for me, and it is an ongoing learning process. I know that each of us is a product of our experiences and the people that we meet and who we talk to and all of that, and I have been fortunate in having lived and traveled in many parts of the world. I lived in the Far East for 9 years and have taught children of probably every ethnic background that one would want to name. I want to share with you a view of St. Petersburg that might be somewhat different from what you've heard from other people. And I hope that you will give it thoughtful consideration.

Like many people and citizens in our beautiful city, I'm still reeling from the violent events of October 24 and November 11. I've struggled to listen and to try to understand all that is being said, but I do not. What you are hearing about racism and police brutality is in opposition to what I've experienced during the last 12 or 14 years of

moving around this community and getting to know many different people.

First as president of CONA, which is an umbrella organization of neighborhood associations, and now for nearly 6 years as a council member, I've regularly attended neighborhood and crime watch meetings, as well as many community events, listening to discussions and chatting informally with individuals, both before and after. I've come to know many people in the community, to where I'd almost consider them members of an extended family.

I've regularly discovered good people that are engaged in worthwhile efforts to benefit the young, their neighborhoods, and the community at large. I've always been welcomed and have felt as comfortable within the black community as I have in white neighborhoods, so much so that I frequently have taken my little granddaughter with me, because I want her to know all of the people of our community and to care for them as I do.

For years many people, especially the older people in the troubled areas, have told me that we need to do something about the drugs, the guns, the violence, that literally keeps them prisoners in their own homes after dark. As recently as last night an older gentleman in that area said to me, "No, ma'am, I don't go out of my house after dark, too much is going on out there." They're afraid to speak out because of threats and intimidation. They tell me that nobody can speak to the young anymore, that too many are being taught to hate the police, to taunt them, to throw rocks and bottles at them.

We are referred to in some of the handouts as the white rulers. Police are referred to as pigs. Usually the language is much worse, and I have copies of this if you question my word. Just yesterday I heard of an 11-year-old who had been expelled from school again. When a lady at the community center tried to talk to him, she was told, "I don't have to listen to my mama. What makes you think I'm going to listen to you?"

Have you seen the list of the 75 confirmed arsons that have taken place? Thirty-four on October the 24th. Forty-one on November the 11th. Were they spontaneous reactions? In each case the burnings had an effect on someone's lives. They were the businesses of people who had invested in the area and had provided jobs. They were the homes and dreams of others. You've read about the older couple who put all of their \$6,000 savings into renovating a home. Before they could move into their modest dream house, it was totally destroyed.

Or do you want to hear about one of the few white ladies that lives in this area, who is a member of her neighborhood group, whose car was firebombed? The Molotov cocktail became wedged between the door and the seat, so that it smoldered and it destroyed the interior. Only a lack of oxygen

kept it from igniting. It was parked next to her little frame house. Had it gone up, the chances were great that it could have engulfed the whole house with her in it.

Finally, I would tell you of the determined little black lady who has joined marches against drugs, who courageously spoke out against crime, and in support of her community officer, and who's front windows were broken out in the dark of night. There are a number of similar stories. What of their civil rights?

You haven't heard from the officers who work the streets. They are men and women with families, kids, dogs, and cats. The families are afraid for their safety each day that they go out into the workplace. Are they more assertive south of Central? I don't know. I've never ridden with the officers in that area, because I've been advised not to. Because of crime, it's considered a much more dangerous area. I have on several occasions ridden with the officers in another district. The screaming, cussing, belligerent, hostile individuals that they have to contend with is awesome.

There isn't enough money that would ever make me want to be a police officer. Should they cuss back? Be unnecessarily violent? Or violate anyone's civil rights? Certainly not. And if that's happening, we certainly need to address it. But I do not believe that most officers are racist. I think that label is too easily assigned to anyone who dares to disagree. I listen to the very vocal charges of brutality and I look for the evidence. Who are we talking about?

Rabbi Agin. Your time is up. Would you please summarize?

Ms. Kone. Nearby integrated neighborhoods say they don't identify with the violence. They point out that public safety is the first responsibility of government, and they say they're working with their community officers and doing what they can.

I would have liked to have told you about the neighborhood teams. I would have liked to have told you about the work of Bob Gilder, who is out there, has painted 400 homes for low-income residents that has involved the community.

I'm saying to you that this is a caring community, and I cannot believe that anybody can assign us the label they have. We certainly have things that we have to do to bring this community together. We certainly have to arrive at a community standard on what law enforcement means in this community and what the expectations are, and that applies to the officers that go out there on a daily basis and don't know whether they're supposed to arrest people or not. You know, they've got to be clear on their direction too, and that's got to come from the chief, and I know you don't want to listen to me, that's all right.

Rabbi Agin. It's not the question we don't want to listen to you, but we're on a time schedule—

Ms. Kone. I was told that I had 10 minutes, and I'm sorry, that's what I planned for, and I guess I ran over that.

Rabbi Agin. It's been 10 minutes.

Ms. Kone. I will simply summarize by stating that when Bobby Doctor was here during his recent visit, I said to him that I will stand shoulder to shoulder with anybody that wants to work for the betterment of this community and who will disavow violence. I think our children have the right to grow up in a safe community. I think that our citizens have the right to be able to go out of their houses after dark.

I think that our children—I totally agree with the recent articles by Bill Maxwell in the *Times*, and with General Colin Powell, who in his recent book cautions the young not to let anyone tell them that they are victims. He also notes, while it's important for African American children to learn of their history and their culture, that they have to grow up in American, in a diverse cultural society.

And I'm sorry, if I've offended any of you, but I convey the truth to you as I know it to be. That is my goal.

Rabbi Agin. Thank you. Edward Cole.

#### **Statement of Edward Cole, Member, St. Petersburg City Council**

Dr. Cole. Dr. Berry, it's delightful to be here. I am glad that you have come to our community to help us. I'm devastated that it has happened.

I am a different type of politician. I have never accepted any campaign money or requested endorsements to run for mayor or for city council.

When I was elected mayor, the *St. Petersburg Times* said I could not win unless I had a campaign fund. I said it's not important that I win; it's important I run. If I'm a good candidate, you endorse me. If I'm not, don't.

So they were concerned, why I didn't support the dome stadium? But I think what we're seeing today is a result of having the dome where it is. The gas plant area was to be an industrial park with industry built in that area where people could walk to work, where people could go on bicycles, and they didn't have to have an automobile or catch transportation to go. Ernest Fillyau, our council member has mentioned this as a problem for the people in this area.

I came back to St. Petersburg after World War II. I grew up here, came here in 1922. As I was a pediatrician in the community, I took care of my black children in Jordan Park, Laurel Park, Methodist Town, and I declared a war when I was on city council in the sixties on the slumlords in Methodist Town.

I made house calls there and there was clapboard and there was pasted newspaper to keep

out the cold—there was no plaster, no plasterboard or anything, just 2-by-4s and children who were being raised in this area, and I have given the chairman a lot of data on that.

Dr. Berry. Thank you. I received that.

Dr. Cole. We declared war on slums, and then after a while I said slum action is branded as impotent. Nothing was being done. This is the Methodist Town that was spoken of with nostalgia. It had rats, rodents, trash, and children were being raised there. As a pediatrician, I thought this was terrible.

I integrated my office. I closed my separate waiting room in the 1950s, and I'm going to read you a portion of a letter that I spent, I think, \$350 to put on the op-editorial page of the *St. Petersburg Times*, and this is written to Mr. Richard Nixon.

"Dear Mr. President:

"In our nation I am sure there are millions of citizens like myself, who because of time and temperament do not take to the streets to demonstrate. We represent neither the extreme left nor the right. We long for peace and understand the anguish of the young. We wish this to be a nation of equal opportunity for all, and understanding the frustration and anger of our nonwhite citizens.

"We do not condone the riots or destruction, nor do we condone brutal overreaction by those who must maintain order. If we carried a placard, it would read, 'America love it, but Improve It.'" This is dated May 28, 1970.

So I'm still a one-man rebel, I guess. You know, a lady said last night she's tired of these old politicians being recycled. I'm not going to be recycled. There are four people running for my council seat. It was reported in the paper this morning.

Well, I have asked Chris Styles to play Taps at my funeral after my son-in-law sang, "Looked Over Jordan," and he's promised to do that and my wife has promised to have that done. She's younger than I am.

So I have nothing else to say. I think that Darrel Stephens is a good police chief. I ran for the city council this time. I had been diagnosed as cancer of the prostate. It was a little further along than I was happy with and my doctor was happy with, so I had 32 radiation treatments during that campaign. But I ran because I didn't think it would be good for this city for Curtsinger, who I like, and if he were to be my battalion commander in the Marine Corps, I would want to follow him. But he wasn't good for the city and he said during the campaign, he didn't know he was going to have to campaign against both David Fischer and Dr. Cole, and I said well, you're painting me with the same brush. So I have to answer you.

Now, I had a lot of support in the north part of the town. I lost some of that support because there are a lot of people that loved Curtsinger. And they

still do. And there are problems festering right now because of some of this.

I would like to remind you—I don't know how many people you've heard from, but I'd like to remind you that there are 40,000 black people, citizens of this community. I attend the Lakewood Methodist Church on the south side. We are an integrated church.

I guess I have nothing else to say unless you wish to ask me anything.

Rabbi Agin. Thank you very much, Dr. Cole. Appreciate it. Mr. Larry Williams present?

#### **Statement of Larry Williams, Member, St. Petersburg City Council**

Mr. Williams. Good evening. I tried for a long time to figure out what I would try and say, and so what I'm going to try and say I'm going to say as a self-examination that I really made to myself and asked myself these questions, and I think if you look at it that way, you can see maybe where I'm coming from, but it might be appropriate for some other people to ask themselves the same questions.

First of all, I'd like to thank you all and I realize that this is long and hard and difficult, and we appreciate that. We thank Secretary Cisneros for his assessments when he was here, and we appreciate the fact of the responsiveness of the Federal Government.

But I think one of the things that we have to gain here in this community, as much as we appreciate your work and your effort and what the Federal Government may or may not do for us, is the fact that we've got to take charge of our own city, and we need to work with your assistance to solve our problems, but it is our problems. We've experienced things similar to this in the past, and we have not done what we should have done, I think, in certain respects to make the corrections that we need to do. So it is clearly the responsibility of this community itself and its leaders, both elected, spiritual, to step forward and get our city back on track. This is a good city and I know all of you all know that and we will do that.

One of the things that was a realization to me early on is that while we work, live, and share and interact with one another, we really don't understand black and whites. We think we do and maybe sometimes that's our biggest hang-up, because we think we do. And the only analogy that I can give—it's very difficult to understand another person's problem until you've really walked in their shoes, and I think that's probably a difficult thing for me, because the worst thing that happens is that you have thought that you did, and you can come and create and make suggestions, but until you have experienced some of the experiences of other people and walked in their shoes, it's difficult to say that.

I experienced the death of my sister a couple years ago, and I still have people coming and

-sharing with me an experience with a family member, and you can always gain sympathy from that and you can understand that, but the long and the short of the story is, you really don't know how I feel but thank you anyway. And that's important, because until we understand, we can't do the things that we need to do to make them better.

The other questions I have, do we really realize how significant our problems are in this city? Do we really want to heal this city? Do we want everything to be copacetic, or do we really want to get to the problems that presented us a few years back and is presenting us again?

I believe the people that I've spoken with want to heal this city. And I think that I have convinced myself that there are three ways that I think that we need to head in that direction to do.

One, I personally believe that all leaders, whether those be elected leaders, community leaders, spiritual leaders, must denounce any further violence or harm to people. I think we have a fear out there that something could still happen. I think we need to go forward with the healing process, and that is beginning tonight with the meetings that we have.

Next, I think we need to have responsibility and accountability and I think that flows in two particular areas. One of those areas, we need to find out what the cost in dollars and of property business and personal losses were in the two incidents that we had, and we need to find out who is responsible for those acts.

I read in the paper this week, and I don't know whether it's individual or individuals, who were responsible for intimidating and destruction of an older lady's house. This lady evidently, from what I had read in the paper, had expressed her opinions and possibly the retaliation may have occurred because of that. I think we have a responsibility to find that out. I think there's other people that would like to find out what has really occurred. We must be accountable from input from all sides.

Next, the responsibility and accountability, assuming that the Federal Government will give the City of St. Petersburg some money. I think one of the worst things that can happen to this city is that we take the money that gets appropriated in a certain manner, and does nothing to help us with our underlying problems.

I think we have to make economic development work. I'm a private businessman. I'm convinced that that's easy to do. I think we need to create jobs. I think we need to give young teenagers an insight of being a part of a company or something that they can hang onto, rather than other options that would be available to them. I think the money needs to be directed and entrepreneurally spent in the affected areas. But I cannot and will not support the flow of monies until we are sure prior to them being disseminated that accountability is

going to be in place, inclusive of quarterly reports, the type things that we can sit back in a year and a half or 2 years and say, "We did this and we're proud of it, and this works."

The money without the accountability could be very detrimental to this community. We need to use the money and have it directed in the areas that help our community. We need to ask ourselves the question, is this about healing or is this about money? My answer is, and the people that I talk to, it's about healing. And you've got to ask yourself this question. Could this city heal itself if there was no money coming? The answer is my opinion is clearly, yes.

Thank you very much.

Rabbi Agin. Thank you, sir. David Welch.

#### **Statement of David Welch, Member, St. Petersburg City Council**

Mr. Welch. Thank you, Mr. Chairman, your committee, for coming to our lovely city. We certainly appreciate it, and I hope that also you would have learned something from us when you leave here.

I do not have a written speech and I will not bore you with all of the events and what have you, because I feel as though you have heard everything that I can possibly say and more. But I do want to just have you review—I have a publication here from the *Times*, published in 1980, and it says, "To Be Black and to Live in St. Petersburg."

What I have done here—this is a 56-page presentation. So I went and I said, "What is new in St. Petersburg?" This is 1980 when this was published. So I went down and bulleted out the headings. In 1980 the *Times* generated a special report, "To Be Black and Live in St. Petersburg." And at that time the report shed light on the fact that St. Petersburg is a city of two communities, one white and one black.

First bullet. Blacks felt they were not treated equally. You've heard that. Nothing new. Now, this was published in 1980 and 16 years later you're hearing the same thing.

Discrimination on the job. Busing being unpopular with both blacks and whites. Discipline hit blacks harder than whites. Black share of school suspensions is heavy. Unemployment. Most adult blacks still stuck in low-paying jobs.

Black-run business is crucial to progress. Blacks see unequal treatment from police but want more patrols. Chief of police, who at that time was McVine, see no discrimination in shooting of blacks. Housing and neighborhood associations.

The reports given then are the same now. They weren't addressed then, and people are not willing to look them directly in the eye. It is important to be politically correct and discuss these things that are palatable.

Ladies and gentlemen, this is the report that you are getting in 1996. You've had all of your hearings. It seems that nothing has changed from the time that this Dr. Berry came out in 1980.

I don't care how much money that you pool in this community, from the Federal Government or from the State government, unless we as individuals seek a higher power to lead and to guide us and give us the spiritual strength that we need to love one another by ourselves, 16 years from today we will be at this same position.

Thank you very much for being here.

Rabbi Agin. Thank you, Mr. Welch. Ernest Fillyau.

#### **Statement of Ernest Fillyau, Member, St. Petersburg City Council**

Mr. Fillyau. Ms. Berry, Rabbi Agin, I just want to welcome you to the city of St. Petersburg and Mr. Welch, ahead of me as usual, just stole part of my thunder, but I'm a native here. Been here for 70 years. Been an activist in this community ever since I can remember—PTA president, Sunday school teacher, swimming instructor, recreation director, caddie—I worked my way up through the hoops. And as Mr. Welch said, if you read that report and remove the date, 16 years ago you would have the same issue.

Forty years ago I went over to what was called the north side of town called Snell Island with my daughter. She asked me a question. "Daddy, how come our side of town don't look like this?" And for 40 years I've been trying to bring about that change, but I found out that the change can't come if you don't have jobs that pay at least \$7 to \$10 an hour, because the economics is what makes Snell Island look different from my area.

I'm not talking about the total issue of south side. I'm talking about a 7-mile radius. I don't want you to keep saying that the total of the south side is like this. This is one 7-mile area where a highway came through and killed all black entrepreneurship within 22nd Street. We're talking about from 9th Street up to 49th. We're talking about 22nd Avenue over to Central Avenue in that area.

When I ran for office, the whole premise was to improve the plight of the upper part of district seven, which I came from. Ladies and gentlemen, as I told Mrs. Berry when you came here earlier, the buck stops here. It is on this watch that this came about. We have some problems in the city government, and we have to address those problems.

When I came on, one of the first issues I brought was the Civilian Review Board. The compromise did not give that board any teeth. It's a paper tiger. We have the Internal Affairs Board, which just about controls that board, because

everything has to go to them and then come back to the Civilian Review Board to check out.

We have an advisory board to the police department, I think they do not listen to. And the biggest problem we have is with the department, and we went through a whole new charter to give the mayor the oversight for hiring and firing of the police department.

I am not surprised that this happened, and I told you before, I live in that area. I just live one block away from the midwife's house where I was born, and I'm not living in the suburbs. I'm not living outside a minute. I walk through it every day.

Until the police department and the mayor of St. Petersburg, who is in charge of them, come down—and I've got to be real careful—I am attacking the policies. You see, on our council we cannot request anyone to be fired. That has to be done by the administrative office.

And my legal person told me that I am attacking the policy, which is a zero-level policy of racism inside the police department. Zero policies rise to a level three. Level three says if you do this, you will be fired. But they work it out, you shall or you might be fired. I have told the mayor—he said the proposition is we wanted him in—we will suspend him because the union is going to get him back on through arbitration.

My whole point to him, you must fire them and let them deal with this.

This is not the policy. We have to send a message to the police department that this is a zero tolerance, and when you send that message to the police department, this is a zero tolerance, then we can get confidence from the public that this city is dealing with the problem. The Internal Affairs is a thing that polices itself. A lot of the things that come out the Internal Affairs, have not been happy with this.

The next thing we have in this city, we have an issue of mistrust.

Rabbi Agin. Sir, you have 1 more minute. Would you please conclude?

Mr. Fillyau. I'll wrap it up. When I came on the council, I said that I wanted a Civilian Review Board. I also questioned we bring in the assistance program to help with this. We have projects that's covering them, too little or too late. But ladies and gentlemen of this board, we have to stop the issue here on this council, it's on our watch, and we will have to change these things.

We have a mistrust. When the dome came in, a lot of people was dislocated. We're supposed to got an industrial park in that area. We ended up with a dome. We were supposed to got scattered replaced in the area. We ended up with Laurel Park. Laurel Park was tore down and we ended up with a parking lot. We put in a redevelopment area on 16th Street for business and 9th Street for

business. We put \$3.5 million into the entrepreneur area. That \$3.5 million was taken out and given to the Hilton Hotel. We can give you on and on types of policies that happened in the area that caused mistrust with this government and until this government be fair with that 7-mile radius and putting everything back in it that's due, we will not be able to heal this community.

**Rabbi Agin.** Thank you very much. Beatrice Griswold. Is she here?

**Ms. Griswold.** Good afternoon. If the end of your anatomy can endure any more, I will be surprised, but I'll try and be as brief as I can.

**Rabbi Agin.** Thank you.

**Statement of Beatrice Griswold, Member,  
St. Petersburg City Council**

**Ms. Griswold.** My name is Beatrice Griswold, city council member since 1993.

I was elected over a candidate who supported Curtsinger for mayor that year, and like Mayor Fischer, I benefited with the concerted efforts of the black community, got out to vote against the Curtsinger slate. From that I had believed we had made a good start to a better St. Petersburg, having rejected leaders that were viewed to be insensitive as to race.

Obviously, we haven't moved as forward as thought or as far as we ought. You on this Commission have much testimony to absorb. I wonder how you can separate great oratory by many from great ideas and sincerity. Last night I listened from gavel to gavel, and at some times was moved and enlightened. But sometimes I was dismayed but the use of the tragic death of the young man to advance agendas and heighten self-importance in some cases. I heard more struggling for individual leadership and control of the Federal program dollars than I felt was sincere outrage of police action. I am not impressed by anyone who uses this sad situation to gain notoriety, political advantage or promotion of a particular group. I debated long about not appearing today, thinking I might be viewed that way, but I believe I would be criticized if I dodged the responsibility, as well.

Leoric Collins wrote, "Help me see beyond the tear that needs drying, the cause of the crime." I am trying to do just that. Anything you can tell us about the causes of the violence and the acts of discrimination or injustices by the agents of this city government will be helpful. It is relatively easy to spot poverty, crime, joblessness, lack of business, and available market, poor housing, lack of education. It is to that end that economic assistance is welcome and obviously needed, but beyond that, how do you balance of a multitude of accusations and explanations to arrive at the truth?

Are we hearing a tale of two cities in St. Petersburg? Both in St. Petersburg? Who is

responsible for the housing patterns over time, the demise of black businesses in the black community? Who is responsible for desegregation of schools? Who is responsible for an interstate highway that divides? Who is responsible for drugs, crime, and violence? Who is responsible for single-parent homes and teen-age pregnancies?

Federal programs dictate the terms that cities follow to get the assistance for housing, transportation, crime fighting, education, drug prevention, and welfare assistance. State and Federal laws control gun laws, penalties and the justice system's mandate where businesses—I'm sorry—how can we as a city mandate where business will succeed, where a child goes to school, who gets a job or who gets on welfare?

The city can and should look to improve the task of policing, the environment of the infrastructure, the upgrading of our housing stock, and the encouragement of small business.

Crime drives business away. There was quotes from the *St. Pete Times* of the columnist who wrote that black crime destabilized black communities and chases away business investment. It scares business to death. It drives needed black role models from the inner city into suburbia. Crime destroys the future of the young.

One of your commission last night told the audience they should come back today to have we leaders feel their presence. If every single charge made against the city and its leaders were true, this city would need to get rid of the mayor, the council, the chief, much of the police force, the chamber leader, the school board, and the county commission.

And I want to say that I was very impressed by Randolph Bradley's suggestions and efforts toward making our school board and county commissions more reflective of the citizens they serve.

You can put me on record of support at this time for this chief and this mayor as they go through this situation. I have an obligation to question them and to dialogue with them, but so far I feel they've acted at least in good faith. The firefighters and the police officers all put their lives on the line to do the job of violence control, as they are obligated to do, and they did suffer injuries and harm in the process, and you cannot judge them badly for that.

But last night much was made of the absence of the white community. I know many black active and retired educators who were not here last night. I know many high school and college students and heads of young black families who were not here.

Your attendance last night had several who don't live in St. Petersburg, but seemed to have spent a lifetime in dealing with issues of racism. But for the most part, the speakers were representatives of causes in our local black organizations, which have always existed to advance the cause of

their religion, their race, or their culture, and their brand of social order. And our city is host to many such organizations of different racial, ethnic and religious groups, who do the same for their causes. Some are so constantly critical of the city, it's like crying wolf so often that when it's real, some of us are immune to the call.

But where was the white community? Excluded by their own choice, I think. You must know that to be white in this situation is to have the suspicion of all the black community who is hurting over this event. You must know that to be white means we can't possibly understand, and if we open our mouth, we'll be misunderstood. To be white means we can't understand why when we thought more police officers would help fight crime in the black community, that the leadership has now rejected that. To be white means that we can be poor and jobless, discriminated against and hated, but we can't call it racism. And to be white means that when a police officer stops us, we have no defense except innocence. And to be white means people assume we have the power, when in fact there's always some power greater than ours to keep us from being able to take the desired action.

Rabbi Agin. Could you wrap it up, Ms. Griswold? We're out of time.

Ms. Griswold. May I just give one paragraph?

Rabbi Agin. Yes.

Ms. Griswold. I want to, as a council member, without the rest of the text, a lot of what I said will be misinterpreted. But I, as a councilmember, I want to assure you that I do care deeply about all the St. Petersburg citizens. And I want to cooperate to do all I want to do to end any policies that work to discriminate against anyone, and I will support efforts by any sources to improve the quality of life for the most stressed areas for the inner city, and I thank you for your patience and I hope that out of context, it won't be misinterpreted.

Rabbi Agin. Sure. Thank you. Leslie Curran.

#### **Statement of Leslie Curran, Member, St. Petersburg City Council**

Ms. Curran. Thank you for the opportunity to speak to you this afternoon.

I've heard a lot of things over the course of the last couple days. I was born and raised in this community, actually on the south side of St. Petersburg. My father was born and raised in this community on the south side, and I'm very proud to say that that's where I came from.

I want to clarify one thing before I start my remarks, because there's been a lot of discussion. I spoke with Bobby Doctor at length a few times during the time that he has been here. I am an announced candidate for mayor. I have been an announced candidate since August. It has nothing to do with any of the course of events that has happened, and I just want to put that aside and

make it perfectly clear up front, the reason being because I think this city lacks in direction, leadership, and responsibility.

This is a great city. I heard some comments last night. A man said we're an All American city, we just haven't arrived yet. And that's really the truth. We have the same problems other communities have. We have the trouble with youth, the trouble with crime, the trouble with violence. Unfortunately, we have race relations as we do at this time. It's a common thread that runs through a lot of communities and different communities handle their problems in different ways.

I think it's unfortunate that in all of this discussion I've gotten a number of calls in my office that people are upset that we are not saying the people that were involved with all this violence ought to be arrested, prosecuted, and on and on. I agree 100 percent with that, and really I think we need a complete overhaul of the juridical system, and probably an overhaul of the parental system wouldn't hurt either at this point.

There are a lot of problems in this community as every community that need to be addressed, but a lot of the people that are causing problems in the community know there is no consequence for their actions. Youth today can basically do whatever they want, because they know nothing is going to happen to them.

This city has made great strides in our neighborhoods. I heard the mayor speak of some of the new neighborhood associations that were formed and all, and that is a fact. There also have been some black neighborhood associations that were mentioned in the article that Council Member Welch alluded to, earlier in the 1980s, that have been there for 20-plus years that have been also doing great work in their neighborhoods.

But I think that we have been sugar coating over a lot of things in this community. You were here 4 years ago and I really don't think you should have had to be back here today. Last night I came to the Commission hearing and when I was trying to decide what exactly I wanted to express today, everything sort of went out the window in the 4 plus hours that I sat here last night. I could not believe—it really upset me that there was no representation here from city administration. The mayor wasn't here, the city administrator wasn't here, just one other council member was here.

It seems that we have removed ourselves from the problem, and we are not going to be able to solve anything or heal if we are so removed. Council Member Williams spoke about the money and that he thinks that we could heal this community without money. And I too think we could do that. Now, I will not turn down the \$20 million. I can tell you that right now, but I think that the true test is healing this community



through commitment, and we've got the people here to do it.

The issue that we can't forgetting or going over is justice and fairness. You heard the same things 4 years ago that you're hearing today, and last night over and over and over we heard the discussion about the police department. But nobody said the entire police department was a bad police department. Nobody said you need to disband the police department and rebuild. But what people did say was that there are a few bad apples and that fact needs to be recognized, and for some reason we do not want to recognize that fact, and that is where I think that there is a problem.

At the same time the people are telling you their stories about the police department and their experiences, other people are calling into my office, sending letters and suggestions in that why don't we have more officers—they're asking for more police protection, asking for police officers out on the street, and these are members of the black community. These are people in that affected area that one gentleman sent in a suggestion, "Why don't we go back to the cop walking the beat?"

Well, he didn't say a black cop or a white cop. He said a cop, period, but on the other hand, he also said that we need to address this issue of fairness. There is no flexibility. We have this in code enforcement and other departments.

Code enforcement is fine. When we complain about codes, it's taken that we wanted to stay in the program. We don't want to do it. We want to make things right and fair for everybody.

I think it's going to be a challenge to this community to continue, but I think we can definitely get to where we want to be, if we only know where we're going. I think one of the main problems is this community, as Roy Kaplan said it last night, people do not believe other people's experiences. And you can sit here and listen to what some people are telling you and hear the people on the other side saying, "Come on. I don't believe that, that really didn't happen."

Well, some day, sometime we're just going to have to stop and realize that what some people are telling us is fact, and when we recognize that, when we determine what our problem is, we're going to be able to go forward. I would fully support outside investigation of the police department and the police chief and hope that we are in the—

Rabbi Agin. Thank you very much. Appreciate your comments. I'm going to go now to the chief of police because of time constraints. Daryl Stephens, chief of police. I will come back to—

Mr. Eng. I'm sorry, Mr. Chair. I just need to—with all due respect to everybody on the panel, as well as the speakers to come, I need to advise you that my travel schedule will require me to leave in the middle of the presentation. I don't want to make it seem that I'm disrespectful to any speaker.

I just wanted to apologize to everyone in advance because of that.

Rabbi Agin. Thank you, Mr. Eng. I appreciate it. Debra Bynum, are you here? Can you just give us some time? We need to listen to the chief of police and we'll come back to you. Appreciate your help. Thank you. Chief of Police Stephens, are you present?

#### **Statement of Daryl Stephens, Chief of Police, St. Petersburg**

Chief Stephens. I stepped away from my perch for a few minutes, I apologize for the delay in coming up.

Thank you for the opportunity to appear before you this afternoon, and to share my perspective on the status of race and community relations in the City of St. Petersburg following those difficult disturbances of October 24 and November 13. The community and our police department are dealing with one of the most difficult times that we've ever confronted in our history. The 2 nights of disturbances were unlike anything this community has seen in many years. In fact, the gunfire associated with the second disturbance was heavier than anything I've seen in my 28 years of being a police officer.

I began my career in 1968, a time when both black and white Americans lashed out violently against our society. In both the late 1960s and now, the police are the focus of much of the anger and the frustration. The flash point for many of the civil disturbances that we've experienced in our history were violent encounters between police officers and African Americans.

Here we are today, almost 30 years after the riots and civil unrest of the late sixties and the early seventies, with civil disturbances again in Los Angeles, New York, smaller cities like Chattanooga, Tennessee, Gary, Indiana, and our own city of St. Petersburg. While we've seen a general decline in violence and other crime in recent years in St. Petersburg, as well as nationally, youth violence and drug abuse are increasing. At a time when we've seen steady economic improvement over the past 4 or 5 years, poor inner-city neighborhoods experience the ravages of crime, violence, and drug abuse at much higher levels than other areas of our city.

How can we deal with these issues? What have we learned from the past that's helpful in dealing with the problems that we face today? How do we bridge the gaps between rich and poor, black and white, young and old, that produce misunderstanding, conflicts, and violence? These are complex questions that we've got to explore in much, much greater depth than we have so far.

While the police must be held accountable for what we do and the role that we play in working on the cutting edge of society's conflicts, it's just



—simply not sufficient to conclude, as some have, that police action or inaction is the reason why individuals would commit arson, shoot or throw rocks and bottles at police, or attack innocent individuals who happen to be traveling through the area. You've heard a lot about the St. Petersburg Police Department in your trips to our community, and no doubt have drawn conclusions and opinions about what we are as an organization.

What I want to do with the time that you've been gracious enough to give me is to try and sharpen the image somewhat, that some of you may have about our department and our community, by describing the effort to effectively police this community.

I would be the first to acknowledge that we have problems in working through issues associated with race, and that ongoing efforts by the police to be responsive to all aspects of our community have had their ups and their downs. But it's entirely incorrect to suggest that we've not made efforts or that progress has not been made in working in these difficult situations.

I also want to focus on the future and speak to the question of how I believe the police can best contribute to the rebuilding of our community and some of the other elements that I think are critical to your work and to the work of this country in dealing with the problems that we've experienced here and that I've seen in most every other urban area in the Nation.

Let's first look into the police efforts. We are 5 years into an ambitious effort in making fundamental change about the way we police our community and the way we relate to the members of our community. Those changes are based on a community relations philosophy that was worked through and developed in concert with members of our community.

I want to take a moment to read that to you. It's not very long.

"The St. Petersburg Police Department is dedicated to creating a safer environment and providing responsive police service through an aggressive, problem-solving partnership with the community. The department values the worth of all of its members and encourages them to achieve their greatest potential in an atmosphere that promotes communication, creativity, and participation. As an organization we will adapt to the changing future while maintaining our traditional values of integrity and professionalism. To achieve our commitment we will provide equally to all people, sensitive, fair, courteous service which respects each individual's dignity."

It's a simple, straightforward statement that brings with it a lot of meat and a lot of meaning. We believe that it is the only effective way of creating a sense of safety in our community through the partnerships built on mutual respect

and trust. We believe that we cannot achieve that without having committed police officers who are valued for the contributions that they make to this community and to our organization.

We also believe, truly believe, that sensitive, fair, courteous service is the foundation for the creation of positive relationships in our partnership. Our focus in recent years has been on moving from a style of policing that relied almost exclusively on the prevention and deterrence of crime through visible patrol, rapid response, followup investigations, enforcing everything through the criminal justice system. Our belief was and continues to be that if we could just shift some of our resources towards prevention, through strategies that are tailored to address specific problems, using the resources and the commitment of those in the community that are directly affected by those problems, that in the long run we could ultimately have a much greater impact on the crime, violence, disorder, and drug abuse problems that we experience.

In the process of making this change I think there's clear evidence of progress. We conduct communitywide surveys every couple of years as one barometer of opinion about policing issues. Some of what I report to you comes from those surveys. The proportion of people in our community indicating they are very concerned about their safety has dropped from 51 percent of people expressing that view to 33 percent in 1996. Still too many, but clear signs of improvement.

Reports of crime victimization have declined in our community from 21 percent in 1991 to 13 percent in 1996, while reporting rates to the police have increased from 84 percent in 1991 to 94 percent in 1996. Those reporting rates are significant because national victimization surveys tell us that in many urban areas only about half of the crime that occurs is reported by police.

Crime continues to be a major concern to members of our community, but survey results indicate that those who believe it's a major concern have declined from 65 percent being very concerned to 40 percent in 1996. In 1996 20 percent of the black and 23 percent of the white community reported knowing their community policing officers, and 30 percent of the people in our community—and this is a statistically valid sample—30 percent of the people in our community report being involved in some problem-solving activity in conjunction with police.

The national index of serious crime, the FBI Uniform Crime Report, indicates that at the end of 1995 reported crime had declined 26 percent from its peak of almost 31,000 offenses in 1989.

You've heard about a police department that is insensitive and out of touch with that African American community. I know about a police department where officers have worked in

partnership with the entire community in many ways. I've seen officers create and work to obtain funding for scouting programs in several areas of our community. One of the areas that's been talked about a great deal is the public housing development at Jordan Park. In that community we have two officers that came forward to find the funding and to develop a Cub Scout pack.

Is that what police officers should be doing? Some would say no. Others would say that that makes a great contribution. Police officers are leaders in a Boy Scout pack in connection with our Police Athletic League that serves over 300 inner-city youths on a day-to-day basis. We have a Police Explorer Post. Officers work with young people interested in policing and public safety.

We have a community police officer, who on her own initiative, spends Saturday mornings at the Enoch Davis Center with about 25 or 30 young children in a Just Say No Club. She exposes them to all kinds of cultural activities at the same time she's working with these children to focus on drug education and prevention.

We have a strong partnership with neighborhood representatives that uses the Wrice process to confront drug dealers who have taken over neighborhoods and left people in such fear that they were afraid to come out of their homes. We have ten Vista volunteers and 25 America Corps volunteers that are working in concert with police and neighborhood groups throughout this community, that we were able to implement through resources that we brought from outside of the area. Most of those volunteers come within our community itself.

We've made use of crime prevention through environmental design concepts to help change the environment in the areas of our community to prevent crime. And one neighborhood officer has went from door to door, talked to every resident in a four-square-block area about changing street patterns and traffic patterns to curtail drug sales. All but two residents felt that that was a good idea and after-action surveys indicate that they want to continue to do that, because they believe it's had an impact on the drug dealing in their neighborhood.

We have a department that is represented in most every neighborhood association meeting, Crime Watch meeting, and many other forums dealing with policing issues. There's not a night that goes by in this community where officers aren't in touch in those forums, 7 days a week almost.

We have a department where officers routinely work hand in hand with neighborhood residents to do cleanups, paint houses, and try to restore neighborhoods back to neighborhoods that everybody can be proud of. Police officers have painted houses with people who are in transition from correctional institutions back to society.

Police officers have painted houses with neighborhood residents. In some cases police officers have painted houses of people when nobody else would help.

That's not a police department that is uncaring and unresponsive to our community.

We have a department that has full-time officers dedicated to every middle and high school in our city, and we also assign nine police officers to drug education and prevention efforts through our DARE program.

We have a department that's worked with the community in the creation of six resource centers that serve neighborhood needs to provide additional contact points for people in our community to develop relationships with the police, and for us to be more responsive. We have a department that has some 250 volunteers that work in those centers and in all aspects of our police organizations. People from the community coming into our department, helping us serve this community more effectively, in understanding and serving as ambassadors to the community to help us deal with problems.

We have a department that's made close to 40 grants over the past 3 years to various neighborhood associations, Crime Watch groups, and community groups using asset forfeiture funds to help them implement projects that are important to them in their neighborhoods.

We have a department that has a Citizen Police Academy and which over 200 members of our community have spent 11 weeks attending classes and learning about police operations and practices. We have a department that provides opportunities for citizens to ride with police officers and many have taken the opportunity to do so.

Rabbi Agin. Excuse me, Chief Stephens. We have some members of the panel who have to make a flight. I'd like to interrupt you at this moment so that they may have the opportunity to ask you some questions which are on their mind, very pertinent, some base of issues that were raised. So please forgive me—

Chief Stephens. I'm here at your pleasure, Mr. Chairman, but I think it's terribly unfair to allow people to speak as long as they want and not at least give me the time that you've said I would have. So I'll answer whatever questions you'd like.

Mr. Doctor. The chief had from 4:00 until 4:30 for both presentation and questions. So that's a half an hour.

Dr. Berry. He has spoken for 15 minutes.

Mr. Doctor. How much more do you have, Chief?

Chief Stephens. I'm here to answer questions—

Dr. Berry. Would you please just summarize your last points, please, the ones that you really want to make before we ask any questions?

**Chief Stephens.** No, ma'am, I'll defer to the wishes of the committee and answer questions.

**Dr. Berry.** No, we will—

**Chief Stephens.** I will have my statement given to you in its prepared form.

**Dr. Berry.** You have spoken for about 15 minutes. And the understanding was you—for half an hour.

**Chief Stephens.** I again would like to suggest that there's others that's been given way more opportunity to speak about these issues and lots of them, and I'm basically the only representative of—

**Dr. Berry.** How much longer do you have?

**Chief Stephens.** I have another 10 minutes, but—

**Dr. Berry.** Then if you have 10 minutes, proceed for 10 minutes. Proceed. The audience will be silent, please. Speak for 10 more minutes and then we will ask questions.

**Chief Stephens.** Thank you very much. You've heard about a police department that has limited or no accountability, and I know about a police department that has a wide range of methods of holding people accountable for their actions. While there are those who express no confidence in our Internal Affairs investigative process, we have a unit staffed with a diverse staff of four investigators, supervised by a lieutenant, who take their job very seriously. That unit published an annual report like no other that exists in this country that gives great insight into the complaint investigative process, the outcomes of those investigations, and the results of internal disciplinary action as well.

We have a Civilian Review Committee that is representative of our community and reviews the Internal Affairs investigations of the department, conducts their business on television, and provides feedback to the department on whether they agree or disagree with the department's finding. We respect that body and we take their recommendations and suggestions very seriously.

We have an organizational structure that emphasizes accountability to geographic areas so that officers, supervisors, and managers can be aware of the problems and work with the community to do the best that we can to resolve them. We have carefully developed policies and procedures to provide guidance and direction on the way that we police the community, handle discipline, and operate on a day-to-day basis.

We have a Community Police Council that I do pay attention to. I meet with them on a monthly basis. They have had influence in our policies, ranging from our policies on discrimination and harassment in our department, to the operation of specific aspects of the organization.

You've heard about a police department that's oppressive and harasses groups of African American youths and responds overly aggressively

to problems in the community. I know about a department that responds in a different way. We've had several occasions in recent years where large groups of African American youths have gathered in parks or streets. The impression is given that we just simply respond to those groups and try to break them up, at the police's own volition. That's not an accurate reflection of these events. First, our responses to those gatherings have been caused by complaints from members of the community, made directly to the police department and through members of our city council.

Last spring the police worked with organizers of gatherings for several weeks in an effort to structure the gatherings in a way that would not generate complaints from the neighborhood, that would allow them to have their activities in a productive way, while observing the ordinances and requirements that have been established to govern the activities on our streets and in our parks. We were not able to reach a satisfactory resolution, so we let the people know over a period of 2 to 3 weeks before we began enforcing those ordinances that that was our intent, if they continued to disobey those requirements.

An important question that has to be asked about these gatherings is, How does the police balance the right of people in the community to be free of noise, street blockages, drinking, and in some cases drug abuse, and the ability of young people to gather? Why should the responsibility of working out all of the details of planning these activities up to and including how to get permits be the responsibility of the police? Where are the members of the community that could come forward and help with those activities?

We've heard about a unit in the police department called the green team, that is alleged to have engaged in a wide variety of harassment and abuse in our community. We do not have such a unit in the police department. We did have a squad of narcotics officers that were given that name by drug dealers in the community a number of years ago. They engaged in street enforcement tactics that involved drug buys and arrests, or arrests based on covert observation of drug deals. That squad and their tactics produced a lot of complaints.

We abandoned those tactics in a restructuring of the narcotics unit several years ago. We developed a uniform that narcotics officers use for the street operations that was approved by our Community Police Council, who saw it, that was brought before the Community Citizen Review Committee and before several other community groups before we adopted it to get away from the kind of appearance that officers had had in the past. Street narcotics enforcement is currently done by members of our Respect Unit.

I have several other comments, but as I've said, I will leave those for the prepared statement. I'd just like to finish with one final comment. I have watched and heard about the hearings as they progressed today and last night. I think there needs to be more inquiry by the Commission on the part of people throughout our community, on their responsibility for coming forward and working to resolve these problems. We cannot always expect that government and police are the source of all the problems. We must be held accountable for what we do and what we don't do, and I'm fully prepared to be held accountable for what I've done and what I have not done. But there must be accountability, there must be responsibility that's shared by each and every citizen in our community. People must come forward. They must work. They must try to overcome like we try to overcome our past problems and look for a way that we can build a safe community.

Thank you for giving me the additional time.

Dr. Berry. Chief Stephens, I have several questions and I thank you for indulging me and letting me ask questions first.

The first question is on November 13 when the police acted against the Uhuru Movement, the press accounts state that police said that they were ordered by the mayor and the police chief to engage in some preventative activities as a result of the verdict coming down. When the mayor was here a little while ago, you heard me ask him—

Chief Stephens. Yes, I did.

Dr. Berry. —whether he was consulted and he said no, and he further said, if I recall correctly, that he thought—he heard about it after the fact and thought it was a bad idea, words to that effect. Is it the case that the mayor was not consulted, and were you consulted? Did you as police chief know these activities were going to take place?

Chief Stephens. The mayor was not consulted. I acted on my own and accept responsibility for that. I was aware that we were going to make an effort to arrest four members of the Uhuru group; that day, in an effort to have them in jail for the evening when they had been predicting violence for 3 weeks.

Dr. Berry. And you felt that it's just plain old good police practice that it made sense to engage in these activities and to not inform the mayor, and to have them carried out in the climate which existed in St. Petersburg?

Chief Stephens. Ms. Berry, what I felt was is that we had experienced 3 weeks of calls for violence, should the grand jury make a decision not to indict the police officer involved with the shooting. We knew from information gained from a variety of sources throughout the community that several targets were to be burned that night, if the grand jury's decision did not come back as an indictment for the officer.

We knew from our preventative efforts to remove rocks and bottles and cleanup, which we do on a routine basis whenever we have these kinds of problems, that we had recovered stashes of rocks and bottles in excess of 6 tons over the past few days, prior to the grand jury decision. We had all types and all kind of threats of violence should the indictment not be returned against the officer. It was our feeling and most of those threats, the loudest threats, came from the Uhuru Movement.

It was our feeling that if at least four members—and they were misdemeanor warrants; there were no significant arrests, but if at least four members who were involved in the organization, who had been threatening this violence were out of the picture, that that would help contribute to the prevention of violence. The arrests were not intended to take place at the location where one of them did. It was never our intent to provoke the confrontation at that location. It was not—the arrest went wrong.

If it had been done right, if we had not have had the confrontation at that location. Would it have made a difference? I don't know. But I was aware that they were going to be made and my purpose in doing that and approving that was not to provoke a confrontation, but to do what we could to respond to the knowledge that we had and the information that we had that that was going to be a violent evening.

Dr. Berry. Why did the arrest go wrong, as you put it?

Chief Stephens. Two of the officers that were briefed about making the arrest of the individuals got pulled away from that activity, and they observed one of the individuals driving the car, and they attempted to stop them about four blocks away from the location of the Uhuru House. In the effort to stop him, he just failed to stop. He proceeded right to the Uhuru House, believing that that would be an area of protection. The officers that were involved in that, because of a switch in radio channels, were not able to call the officer off that had been called in to stop that car, and they pulled right up in the front of the house. That's where the confrontation took place.

Dr. Berry. And the officers were not sensitive to how such an arrest would appear in front of the Uhuru House, which you have described as a place from which have emitted calls of radicalism and retribution?

Chief Stephens. They were not.

Dr. Berry. And is this a defect in training in your opinion, which can be remedied by additional training of police officers?

Chief Stephens. I think it's hard to say. I have not spoken with those individuals myself as to whether or not they thought—personally thought it was a bad idea. I think they believe that they had been asked to stop this car by another unit. They

were'n't familiar with the background, and they just proceeded to do that, and weren't thoughtful enough about it being in front of that location.

The other officers were. They tried to call them off and weren't successful in doing so.

**Dr. Berry.** So that you understand why I'm asking you these questions, it is because I am trying to probe as to whether there is a substantial likelihood that police in your jurisdiction and under your supervision would behave in the same manner should some other occurrence take place that required judgment and training and discipline and whether certain things that have happened in the department have been remedied. That's why I'm pursuing these questions, not to be picky, but that's why I'm asking.

**Chief Stephens.** I understand, Ms. Berry, and they are fair questions. The department invests a great deal in training, invests a great deal in its disciplinary decisions. It invests a great deal in the hiring and selection and recruiting process.

We have people that occasionally will engage in activities with the worst intentions in mind. We have people with the best intentions in mind who simply make mistakes.

**Dr. Berry.** And so you have in St. Petersburg recently one example of very bad judgment, if I recall, in that a police officer walked in front of a car which they had been pursuing and violated department rules, which require them not to go walk and stand in front of cars that they have stopped. That was bad judgment.

Now you have other police officers who make bad judgments and do not know enough to know that they're in an incendiary situation by making an arrest at that point, given the environment here, and you also tell me, if I hear correctly, that you have not talked to these police officers who made these bad judgments yourself, and that in your command and control and supervision, given the sensitive nature of what's going on here, there's no requirement in the way the department is managed that you yourself personally as leader get involved in finding out down at the ground level why these people did this, what can be done about it, and let me ask you this—were you involved in the decision to gas the—to put tear gas into the Uhuru House? Was that your—

**Chief Stephens.** I was familiar with that decision. I wasn't at the scene. Let me respond to the statements that you made just prior to that.

We do have people that make mistakes and make honest mistakes. We have hundreds of thousands of interactions with citizens every year. The disciplinary process is such that I do get involved in speaking with officers in those situations.

Most of our encounters with citizens are conducted without any incident, without any problem, without any difficulty.

**Dr. Berry.** How many riots do you have in a year—

**Chief Stephens.** Well—

**Dr. Berry.** How many riots do you have in a year?

**Chief Stephens.** We've only had two.

**Dr. Berry.** Was it unusual to have a riot?

**Chief Stephens.** It was very unusual.

**Dr. Berry.** And given that environment and given the verdict, how many cases of police officers having killed someone, and afterwards there was a riot, and then there's a grand jury and you're worried about the verdict being handed down, how often does that happen in a year?

**Chief Stephens.** It doesn't happen very frequently.

**Dr. Berry.** That's an unusual occurrence, is it not?

**Chief Stephens.** It is indeed.

**Dr. Berry.** If it is unusual, doesn't it require unusual action on the part of the chief, which may include even finding out from the police officers who are on the ground what went wrong and what can we do to fix it and what—

**Chief Stephens.** We're engaged in a very indepth process to do that, Mrs. Berry. One of the things I think it's important to point out is that we're just now getting back to some sort of normal assignment practices and the people that normally would be involved in pulling together an after-action report, so that we could address and answer those very questions that you're asking, have been devoted to policing our community. We've had a very, very stressful policing challenge over the past month or two. All of the questions that you're raising are a part of our after-action review and we're continuing in our process to do that.

**Dr. Berry.** How do you account for the fact that despite the description you gave us of the actions that have been taken in your department, in your opening statement, and the positive community in your actions, why did you have this distrust of the police, why did you have this incident occur, why did—why do you have all these reports of discontent in the African American community? I'm sure you know that Secretary Cisneros told the President that African Americans of all income and professional groups described personal encounters with the police and harbor resentments which lead me to conclude that all other redevelopment efforts will be in vein unless substantial progress is made in redefining police and community relationships. Why—is he just somewhere way out in left field, doesn't know what's going on?

With all the good you do—what in the world—is there a communication problem, a training problem? What in the world and what have you done since these incidents, what steps have you taken, additional steps? What have you done about the drawings, the cartoons, whatever they were,

the drawings in the police station on this? What have you done about that? What have you done about all of these things that have happened, because you told us a lot of good things, but despite the good things, something went wrong.

**Chief Stephens.** I am familiar with the Secretary's observations and points. I had the opportunity to meet with him on Sunday evening just prior to his report on Monday morning, before leaving St. Petersburg. He made a good effort, like I think the Commission is making a good effort, to try to understand what is going on in St. Petersburg. I don't believe that we've heard from the entire community, African American community or white community in our city.

I think what we've heard is important views that people have expressed, but I don't think we've heard from the people where we've invested and working on the partnerships. I don't think we've had the opportunity to talk to people that have been on the streets with police officers, African American members of our community. Some of them are afraid. Some of them have been intimidated. One of them on the second night of the disturbance had their house rocked and bottled and it was yelled from the street, "If you stay off the television and you don't support the police, this problem won't occur."

On the issue of the drawings, the morning that I discovered that those drawings had taken place, we had a special staff meeting. We've got an investigation that's going on to try to identify the persons that were responsible for those. That investigation is in the process at the current time. We've met with all of our supervisors throughout—carried the message throughout our organization that that behavior is not acceptable within our department. It hasn't ever been and it never will be. It was inappropriate and we've sent that message throughout our organization. Hopefully, we've identified one of the artists. The other remains unknown.

**Dr. Berry.** Is it your position, and this is I guess my last one, is it your position that people who complain in the African American community, who complain about the police, are simply malcontents and folks we should dismiss, because the really good people don't complain, is that your position?

**Chief Stephens.** No, ma'am. And if I've given you that impression, I've done something wrong. Anybody that makes a complaint about the way they've been treated by the police is going to be properly investigated. There's times that we can't come to good conclusions of those investigations. There's times that it's one-on-one interaction, and in that one-on-one interaction, you've got no independent corroboration, and if one story is this, one story is that, we have no ability to be able to hold anybody accountable for that behavior.

There's times in these investigations where complainants are not factual and there's times that there are. We treat them all the same, and it does not matter what your stature or what your status in life is, we investigate those to try to get to the bottom of what the problem was.

**Dr. Berry.** My actually really last question is, Chief, you come here with—you came here with a very progressive reputation, and I'm aware of your reputation throughout the country, talking to other police people. You're coming into a department where I always say you've got a situation sort of like what Willie Williams went into out in L.A.

And I know that you can't solve every problem from the top, but do you think your days are long here in St. Petersburg? You are being attacked by the union. You've got some people in the community who complain. Are you feeling—let me put it this way—don't answer that because you don't know the answer to that, I guess, but are you willing to have and do you want an investigation, an outside investigation of the police department or outside advice from somebody or some—that tries to help to improve police departments? Are you in the mood for that or do you think that's needed or what's your idea about that?

**Chief Stephens.** I don't have a bit of problem with that. I consult with colleagues quite regularly. In fact, I heard you ask the mayor about the Police Foundation. Hubert Williams came to St. Petersburg 2 weeks ago. I'm getting kind of foggy on time nowadays, and I spent an afternoon and evening with him talking about a wide range of issues, including the report that he and Judge Webster did on the situation in Los Angeles. I was familiar with that report.

So I've had conversations with him, had conversations with a number of well-respected police executives and other people around the country about the issues that we're confronting as a police department. I have advocated research, inquiry, experimentation, a willingness to be open and open police departments up, and we've done that with this one. So I have no hesitation to hear from anyone that would like to investigate or look at our police department and would be happy to consider any recommendations that they might make on things that we could do to improve the way we serve this community.

**Dr. Berry.** Thank you.

**Mr. Doctor.** Chief Stephens, you've heard a couple of the council members talk about the zero tolerance policy as it relates to the police department, and of course racist behavior, conduct, and so on. Obviously, there is talk about an investigation or a review—I don't know that you can wait that long. Are you prepared at this particular time to indicate that from this day forward any police officer in this police department caught engaged in any kind of misconduct, inappropriate behavior

related to racism, will be terminated from this department?

**Chief Stephens.** No, sir, I'm not. What we have is a philosophy, a disciplinary philosophy. We do have zero tolerance for racial insensitivity and misbehavior. Some people interpret that to mean that you automatically terminate an officer without considering any of the circumstances that surround that particular incident. I'm prepared to say to you that our disciplinary philosophy does hold people accountable for racial intolerance and insensitivity, and that we take every measure that we can take to ensure that people understand that and they're held accountable for that behavior.

You cannot just automatically—I couldn't in good conscience say to you today, even though it would be probably easier for me to do that, that I'm automatically going to fire everyone that might do something that would fall within that frame work, and I can't say to you in good conscious that I'm going to do that. What I can say to you is that we will and we have held people accountable for their behavior when we can prove it, when we know that we can follow all the way through with it, and disciplinary action has been taken.

**Mr. Doctor.** Chief Stephens, when there is an infraction, a civil rights infraction, which is at the hands of a police officer, what kind of disciplinary action would you take? Would you say, "Now, don't do that again?" If he was a sergeant, would he go back to pounding a beat?

I mean, there has to be some form—now, I'm trying to understand, I am extremely compassionate regarding police. I was chaplain for the New York State Police Department, so I have a little different feeling about the police, okay—New York State Troopers, I should say.

But when something comes down the pike that's a clear violation of civil rights, mistreatment of human beings, there has to be some form of disciplinary action. Does the sergeant become no more sergeant? Does the lieutenant become a sergeant? Does the guy on the bottom who continues to do this, "I'm sorry, we can no longer have you on a police force"? I mean, there has to be something, not just say be a good boy.

**Chief Stephens.** Well, if you're in a civil rights infraction speaking of excessive use of force, that creates harm on the part of the individual that was subjected to that force—

**Mr. Doctor.** Right.

**Chief Stephens.** —and we're able to prove that, then the penalty is all the way up to termination, and we have done that on a number of occasions. On other occasions we've had lengthy suspensions of people for violation of policies. We've terminated the employment of a number—in fact, there's been six terminations in 1996 of police officers for a range of activity that they should not have been engaged in.

**Rabbi Agin.** Unbecoming an officer?

**Chief Stephens.** Yes, sir.

**Rabbi Agin.** Okay. You indicated—correct me if I'm wrong—that this green team is no longer in existence?

**Chief Stephens.** Yes, sir. It was a narcotics unit that the—that label was not a police department label, but that unit does not exist any more.

**Rabbi Agin.** I have a picture in front of me from the city-State section of the newspaper, dated October 11, 1996, the *Times*, and it shows a picture of an officer, looks like, you know, the green team, whatever that means, and it's very funny that most people are handcuffed to the back and she has her hands handcuffed in the front. I don't know if that's some kind of symbolism. But can you explain that to me? Please understand, I'm not trying to embarrass you.

**Chief Stephens.** I'm not embarrassed at all by that. Our uniforms are green. We wear green shirts and green trousers.

**Rabbi Agin.** And their face is covered?

**Chief Stephens.** In the narcotics unit, they have a uniform that clearly it's green because that's the color of our uniform, that has police all over them, it has police on the back, that has police on the top, and there are certain circumstances where officers involved in making drug buys have to be present when a search warrant is served, and we cover their face until the individuals that are arrested are gone, and they're inside again without those masks.

So that's a narcotics officer who wears a green uniform, as we have green uniforms, but is not a green team member. The green team was a group of people that did street operations, that was called at that time and for a number of years around the country, they called them jump-out squads, where there would be five or six of them in a van, and they would observe narcotics transactions, and they would jump out and they would arrest the people. That's what that green team did predominantly, and we don't engage in that kind of enforcement today.

**Rabbi Agin.** Also, I have somebody to this effect, which I'd like to share with you, martial law in the African community, police rioting in Florida Power vans, nine deep with M-16s and dogs, four deep in cars with guns showing, doors cracked, helmets—sheriff's department, FBI, police helicopters enforced with heavy artillery. What would cause that kind of a response?

**Chief Stephens.** I don't know what the Florida Power vans are. We don't have any of those.

**Rabbi Agin.** Any what?

**Chief Stephens.** Florida Power vans.

**Rabbi Agin.** I'm just quoting.

**Chief Stephens.** What would cause a response of officers from sheriffs' departments, and the police department, and a number of other agen-

cies—the FBI has never been present, so that's not an accurate depiction.

**Rabbi Agin.** Well, you corroborate with what he said, that's okay.

**Chief Stephens.** Beg your pardon?

**Rabbi Agin.** That's what the gentleman from the FBI said. You're in—

**Chief Stephens.** They weren't present. We had, as you're well aware, 2 nights of some pretty severe disturbances.

**Rabbi Agin.** Right.

**Chief Stephens.** In order to develop and maintain control, we had a very heavy presence of police officers and deputy sheriffs and State and highway patrol and Florida Department of Law Enforcement people that came here at our request to help us maintain control of the community, and in doing that there's what called a field force concept, in which officers are deployed in groups, four to a car. They are equipped to respond to the levels of violence that we saw. That's why they're heavily armed. They are heavily equipped. They've got riot gear that's all around them.

We had several police officers shot. They were shot, one the first evening and one the second, and we had a police helicopter pilot that was grazed as someone tried to shoot a helicopter down.

So we felt that we were dealing with, and we were, a level of violence, a level of fire power that we had not seen before. Sometimes the officers have their doors open and people saw that as being an oppressive gesture. The main reason for that is that the police cars and the back doors are—you can't, if they're closed, they can't get out, so they keep those doors open in much discomfort to them, so that if they have to respond and get out, that's the way they do it.

**Rabbi Agin.** One last question because I know there are others who have questions to ask. Part of the training for a police officer or for your police officers—is the training process, does that include periodic education on dealing with people with a minority element in the community, with civil rights issues as it affects people in the community? Are they taught a level of compassion that one needs to have and respect that they need to give to other people in the community, not to make themselves God-like in quality, quote unquote?

**Chief Stephens.** Yes, sir. Every member of our organization, both sworn and nonsworn, over the past 4 years has been through a 24-hour diversity program that was developed by an individual by the name of Dr. James Tokely, and it was offered at our criminal justice institute here locally.

We're in the process of going through a second round of diversity training that's a 16-hour program. We have a 40-hour block of instruction that officers are going through right now, 8 of which includes communication skills, developing

skills so that they can better interact with people under tense and stressful situations.

**Rabbi Agin.** All right. Mr. Ingram, did you have a question?

**Mr. Ingram.** Thank you, Mr. Chairman. Chief, you do understand that the only information that we have is the information that's presented to us by the community?

**Chief Stephens.** I understand.

**Mr. Ingram.** And that if we are not hearing from the right people, then maybe there should have been an effort by someone to make sure that another side was presented, but we only have to go by and we only have to take what we receive. You agree with that?

**Chief Stephens.** Yes, sir.

**Mr. Ingram.** I was here 4 years ago when you first took over, and as I sit here, I'm wondering—and I need you to help me with this—it appears to me that maybe you, the individual, that your heart may be right, but you are being undermined by a force that really has no more love for you than they have for the people that they're harassing and dealing with in the community. When I see the newspaper and I see the Fraternal Order of Police come up with their report that says that you only received one vote of confidence, that has to kind of tear at you. Is your department out of control?

**Chief Stephens.** It does bother me a great deal to have 309 police officers respond to a survey and only 1 say that they think that I provide effective leadership for the organization. A number of officers did not respond. There's another part of the police department that didn't speak up in that survey. There's a part of those that spoke up in that survey that I'm the best target around to go after about—to deal with things that they're uncomfortable with.

As I'm sure you recall, Mr. Ingram, I've never had the support of the police union. I never will have the support of the police union. That bothers me. I've made a personal effort to try to develop that support, because I think some of the very things that cause us difficulty in the community can be best solved if we have a partnership in the department, of everybody working on officers who may engage in insensitive activities.

My belief is that there are people in the department that support what we're trying to do, the positive things in our community. We don't have the majority yet. We've got to work to try to attain that majority, but I think it's possible. I think it's possible to have a police department that every member of the community looks at and may not agree with on every issue, but has respect and admiration for, because they know that in their heart that they're trying to do the right thing.

**Mr. Ingram.** That leads me to what Bobby Doctor has asked you and when you made the comment that two of the officers were pulling away



from whatever squad there was on that particular day to make that arrest, and it appears based on what was said, or at least the perception comes to me that for whatever reason they were pulling away, when they got up the street and they saw this individual or whoever this person was, then they were out to create some additional problems by chasing this individual and by doing whatever it was that they did to create these problems.

Once again, it appears that inside the shop you're being undermined. That's the first part. The second part is when Mr. Doctor says to you will you take disciplinary action on the spot or are you prepared to say—isn't that the code of—the silent code of law enforcement prohibits you from doing what you know needs to be done to take the corrective action that's necessary to discipline these officers that may be a little out of control?

**Chief Stephens.** Now, I've meted out quite a lot of discipline in the 4 years that I've been police chief. What I understood Mr. Doctor to say is, Am I prepared to commit to firing?

**Mr. Ingram.** Well, I'm saying the same thing.

**Chief Stephens.** Okay. And I'm not prepared to do that, because there's—not every instance where what someone might conclude is a fireable offense, that it actually is a fireable offense.

**Rabbi Agin.** Ms. Lee.

**Ms. Lee.** Thank you. Chief Stephens, I have a couple of questions. You mentioned about on community policing a lot. Can you tell me a little bit about your outreach recruitment efforts to make sure that the police force is truly representative of the community that your police serve?

**Chief Stephens.** Yes, ma'am. Our recruiting process is done with our city personnel department. There's three individuals—or two individuals that work in the personnel department that are responsible for—and we help them in the recruiting process; but are responsible for screening and processing applicants and doing the background investigations, and that type of thing.

Our department at the current time, the sworn police officers, 16 percent of our sworn officers are African Americans. We are close to full representation of the 19 percent African American members of our community. We go through a very selective process. We go through training, through the police academy following that process. In many cases they've already received that training, and then we go through an internal additional training of 4 or 5 weeks of new officers, and then they go into field training that takes anywhere from 3 to 4 months.

We have made a commitment, a commitment that was made well before I became police chief, to do everything that we could to be representative of our community, and we've maintained that commitment and done a very good job of being representative of our community.

**Ms. Lee.** One more question. You talked about having a disciplinary system in place for officers who have committed certain activities, for officers who have records, and we also heard from people who said that they don't feel comfortable enough or for whatever reason do not file complaints against officers. So do you have any warning system set up to identify problem officers, who may not have official complaints against them, but they have exhibited insensitivity or other attitudes that you or other officers have identified that you know they need, whether counseling or they need to be removed from the job? Do you have some kind of a system to, number one, identify these officers? Number two, to either rehab them—if they're not rehabable, any system to discipline them?

**Chief Stephens.** Yes, ma'am, we do. Basically, it's a computerized record system in our Internal Affairs office that monitors all formal complaints, all inquiries that someone might make from the community. There's times that people will call and say, "This set of circumstances happened; did the officer—is that the way he or she is supposed to act?"

We monitor those as well, and whenever we have an officer that reaches a point where there's three or more complaints—not even sustained complaints, where they've been investigated and we've been able to sustain the complaint—our Internal Affairs commander has a conversation with the supervisor of that officer, and they start looking into the background and the circumstances of those complaints, and if there are problems there, we work with those officers to try to deal with whatever it is that causes those complaints to take place. And there's been a number of occasions where we've done that over the years.

Annually, we produce an Internal Affairs report. I look at a list of officers annually that's had four or more complaints made against them, and those officers, we work with them as well to try to get them to change whatever behavior that they have that's resulting in these types of complaints.

When we have four sustained disciplinary actions against an officer, from minor to serious, that's a termination offense, and we have terminated officers over the past several years that have reached those four sustained disciplinary actions within an 18-month period. It's a progressive disciplinary process. But once you reach that fourth one, you're labeled as a chronic violator of the department's policies and procedures and your employment is terminated when we sustain the fourth.

**Ms. Lee.** How long does it take to actually terminate an officer with all those problems?

**Chief Stephens.** On an officer that has four sustained claims, those have to take place within an 18-month period of time, according to our city policies and procedures. And the Internal Affairs

investigation sometimes may take—we try to get them done within 30 days. Most of the time it takes longer, because we can't get statements from witnesses and that type of thing.

Once that investigation is done, we have a disciplinary review board that will review the circumstances. If the complaint is sustained and it's one of those situations where it's four, they're terminated on the spot. Now, the grievance process and the arbitration process may last for as much as 9 months to a year before the case is completely disposed of, but the actual termination process occurs very shortly.

Mr. Brake. Just following up on those questions, which follows up on Mr. Ingram's and Mr. Doctor's question, are there civil service regulations or union contract provisions that mandate certain procedures before terminating an officer?

Chief Stephens. Yes, sir, there's both city procedures and department procedures that we have to observe before termination. There's also something that's called the Police Officer Bill of Rights, and that bill of rights governs the conduct of Internal Affairs investigations, it governs the way that you can conduct those investigations, the way that statements are taken from police officers; it gives officers the right to review those statements before they're compelled to give a statement to the police. So there's a very structured process that we go through to ensure that we're not in violation of that bill of rights, which is imposed by State law.

Mr. Brake. Thank you.

Ms. Reynolds. Chief, there are just a couple of things that still bother me that I'd just like to hear response from you on. We've heard from the community. I'd like to hear your response to it.

One is, do you have a policy that not allows certain races of individuals to go into or assemble in the various public parks?

Chief Stephens. No, ma'am, we do not. Most of the concern about the gathering of people in public parks is related to the large gatherings that we have almost every spring. We'll go through a period of time where for some reason a particular park will get designated as the place to meet, and this year it went on for quite a bit longer than it has in other years.

We try to respond to the complaints that people have about that, and look for a happy medium, but there are many people in all areas of our community that regularly gather in the parks, that engage in all types of activities, that the parks are for. We don't look for opportunities to interfere in people's lives, but we do have a responsibility to respond to complaints that people have about large gatherings of young people.

Ms. Reynolds. Okay. The second one is when Dr. Berry asked you the question as to whether or not you were aware of the gassing and the

peppering of the center, and you said yes—in hindsight, with women, children, people from all across the community gathering there, do you think that was a sound, good judgment decision on your part and the department to use that type action and why?

Chief Stephens. Ms. Reynolds, at the time that that gas was deployed that evening, that evening at 18th Avenue and 13th Street South, it was right after a police officer had been shot. At about 6:18 that evening, two police officers were driving by 18th Avenue, African American officers, rocks and bottles were thrown at them, gunfire erupted in the area, and they called for assistance. That's what brought the police officers there. At about 11 minutes after that was when we had a police officer at that intersection that was shot. He was shot in the leg.

The gas was deployed in response to heavy gunfire and rocks and bottles. It was not our intent to affect people that were inside the building. We were directing our efforts at gunfire, at rocks and bottles and the injury—in fact, there was a report of two officers being shot, but only one turned out to be accurate. That happened at the same time that that gas was deployed.

The officers deployed the gas to stop the rocks and the bottles and the gunfire. It is very, very unfortunate that innocent people were subjected to the gas that was deployed, but it is an effective, appropriate tool to stop the gunfire and the rocks and bottles, and that's why it was deployed.

Ms. Reynolds. Last and final question, does your department have a policy of shoot to kill?

Chief Stephens. Our department has a policy of, like most police departments, of shooting at center of mass. It's to shoot to stop the threat and to continue shooting until the threat has stopped. We teach our officers in our firearms instruction that when you reach the point where you make a decision to shoot in protection of your life or the life of another, then you're to shoot the center of mass, the biggest target that is presented to you. That's what we teach them.

Rabbi Agin. Brad.

Dr. Brown. Thank you. Chief, the situation in the shooting reminds me a great deal of what happened with Lozano in Miami, in which the officers placed themselves in a position where they responded by shooting, was acquitted, and then was disciplined, and yet the discipline in Miami was much larger in terms of Lozano than the discipline you've applied here. Can you give me some rationale for the extent of discipline that was done in this particular case?

Chief Stephens. The Lozano shooting was a very different kind of a shooting than the shooting that we had at 18th Avenue and 16th Street. The officer in that case placed himself in the middle of the street, while a motorcycle was being pursued

by police. It had traveled several blocks—I don't recall the exact distance, but I know that it had traveled several blocks. The officer in that case chose to use himself, I guess, as some sort of blockade to get the motorcycle to stop the pursuit.

In our case the police officer had a genuine reason to make the stop on the car. The police officer placed himself in the position of in front of that car, he says because of the tinted windows that were there. He asked that both individuals get out of the car. He was bumped several times. What he was disciplined for—at the time that he fired the shot, there was a threat to his life—what he was disciplined for was not observing his training and a policy that says to the officer, don't put yourself in that kind of a position. Take yourself out from in front of the car. Use other tactics or techniques to try to gain control of the subject rather than using your body to stop a car, because your body is not going to stop that car.

We've had a series of car shootings and we did some special training. We did an evaluation. We did an assessment of those because of that very serious trend that was developing, and in that training we said to officers, don't put yourself in front of the vehicle, you're not going to stop a vehicle with your body or with a bullet, even if you're effective at hitting the target that you're shooting at, that car is going to continue. The officer was disciplined for that aspect of the policy and for that aspect of his training.

**Dr. Brown.** I guess I don't see as great a distinction between that and Lozano, and Lozano was removed from the police department for that by stepping in front of it.

The other question, with regard to the cartoons, you said this is under investigation, you found one and the other—is it possible that one of the difficulties in having such a fairly long investigation for something so simple is because there is a support for that sort of thing within others in the police department, as opposed to revulsion on the part of police officers that such a cartoon was put forth? And it seems to me that if there was the type of revulsion that I'm sure you felt about that cartoon, that it would have been very quick to find out the perpetrator.

**Chief Stephens.** The individual that drew one of the cartoons did come forward. No one has come forward to identify the individual that was responsible for the other.

We have a number of cartoonists in the department that we know about. Every one of those have been interviewed to try to get some knowledge of who it might be. If individuals in the department know the artist, they have failed to come forward. So in that respect, I suppose that those who know aren't willing to hold their fellow officer accountable, even though it's brought great disgrace on the part of the department that

something like that would happen. That does lengthen the investigation, to be sure.

**Dr. Brown.** And finally, you mentioned that your percentage of officers is approaching very close to the percentage in the community. How does that hold for officers who are in the command positions and supervisory position in the line offices, not the staff offices, but we're actually talking about people supervising the actual actions of the officers who are the street?

**Chief Stephens.** We don't do quite as well in that area. We have 77 individuals, sworn police officers who are in supervisory and management ranks. Out of that 77, we have in the executive staff, there's 11 people—we have an African American assistant chief. We have two African American majors, a male and a female. At our lieutenant's level we only have 1 African American lieutenant out of 17, 2 women. At a sergeant's level we currently have 49 sergeants and there are 5 African Americans at that level.

So at sergeant and above, there are 9 African Americans out of the 77, which is right at 11 or 12 percent.

**Dr. Brown.** Am I right that the assistant chiefs and the majors are your appointments?

**Chief Stephens.** Yes.

**Dr. Brown.** Whereas the others are your appointments but—

**Chief Stephens.** Through a process.

**Dr. Brown.** —through a process that can be restrictive in terms of the people you have to choose from?

**Chief Stephens.** That is correct.

**Dr. Brown.** Thank you.

**Rabbi Agin.** Linda.

**Ms. Garcia.** With respect to the decision to arrest the members of the Uhuru Movement, you didn't consult with the mayor.

**Chief Stephens.** I did not.

**Ms. Garcia.** Could you tell me why?

**Chief Stephens.** It's not been a practice. I've consulted with the mayor on philosophy, on direction of the organization, provided reports to him on a wide variety of issues. Enforcement decisions, those type of decisions have always been left to me. I did not consult with them because I didn't feel that I needed to. I felt that under the circumstances that it was a good decision. It turned out that it didn't work out the way that we experienced or hoped it would, but that it was a calculated decision based on what we had been hearing for 3 weeks.

**Ms. Garcia.** With the benefit of hindsight now, and given a similar circumstance in this level of potential violence that you've described, would you make the same decision again?

**Chief Stephens.** I might not make that same decision, and certainly based on what the mayor has said a few minutes ago, I'll consult with him.

**Ms. Garcia.** Very wise. One more thing in this area. The reports in the newspaper indicated that there were police officers that did not have gas masks, even though you knew you were considering using gas, and you said that, and you didn't have shields, and you've also described the situation where you said you had several weeks of violence. You were very concerned. Why wasn't the preparation made for the police officers' equipment?

**Chief Stephens.** We did make preparations. We had a supply of 250 gas masks, 250 helmets that officers could wear. Between our own and shields that we borrowed from the Hillsborough County Police Department, we had 60 to 65 of the shields that you use against rocks and bottles. We had a field force of considerably less than that for that first day. Our feeling and our experience had been that that was adequate to supply our needs to police anything that we had experienced, even on October 24. We felt that that was an adequate supply of equipment to respond to that.

What we encountered on November the 13th was a level of gunfire and officers being pinned down behind cars, that were pelleted with rifle and firearm, handgun shots with helicopters being shot out of the air. It required a different kind of response than we had ever experienced before. We thought that we had adequate equipment, adequate supplies to meet the needs of anything comparable to what we had seen on the 24. It turned out that it was much more severe and much more violent than what we anticipated.

We are making corrections to that. We have acquired equipment so that every officer will have with him and her at all times the helmet and the gas mask. We don't need that many shields. When you deploy people, they're deployed in a little bit different way and a considerably less supply of shields would be adequate to be able to control crowds and to move them, with strictly rocks and bottles—those shields are no good against gunfire.

**Rabbi Agin.** Chief Stephens, thank you very much.

**Chief Stephens.** Thank you.

**Rabbi Agin.** Appreciate your time. Thank you. Is the gentleman here from the Police Labor Union.

**Mr. Doctor.** Debra Bynum.

**Rabbi Agin.** Mr. Soule, could you wait just a minute, please.

**Ms. Bynum.** could I respectfully request in the interests of time and strength that we all don't have anymore, could you put in capsule form your thoughts?

**Ms. Bynum.** It would be very difficult.

**Rabbi Agin.** —but if you—

**Ms. Bynum.** I'll be as brief as possible.

**Rabbi Agin.** Please be as brief as you can, and as articulate as I know you can be. If you can capsule in 5 minutes, give us 5 minutes to question you, I would be ever indebted to you.

**Ms. Bynum.** I need a little bit more than 5 minutes, because there are issues that you need to hear about.

**Rabbi Agin.** 6? 7?

**Ms. Bynum.** Can I get 10?

**Rabbi Agin.** 8.

**Ms. Bynum.** I'll make it brief.

**Rabbi Agin.** Go ahead.

#### **Statement of Debra Bynum, Citizen Review Committee Coordinator**

**Ms. Bynum.** Good evening, Mr. Chair, and remaining members of the panel. My name is Debra Bynum and I am Citizen Review Committee coordinator.

Before directing your attention to how the St. Petersburg review committee operates, let me give you some background information.

Community groups and individual citizens voiced their concerns over the present complaint system within the police department. They contended that in a system where those who are the recipients of complaints are responsible for the investigation of those complaints, simply opposed the rules of natural justice and, therefore, made the legitimacy of those investigations questionable and a perception of distrust could persist. In early 1990 city council urged staff to research police oversight, and during that 20-month period a wide variety of review mechanisms from around the country were studied and facets of some were duplicated here for our committee.

I have listened to the various speakers who have come before you who have indicated that our review has no teeth, signifying its lack of subpoena power and ability to hold hearings. Yes, that is true, it does not have the authority. However, during the research process the city's legal staff was asked if there was caselaw to support the contention that police officers can only be investigated by other police officers in complaint cases. The response was that there were statutory parameters and other requirements that existed which were imposed by the city charter and the collective bargaining agreement that needed to be considered when deciding the role of the Citizen Review Committee.

The city has inherent authority to investigate itself, provided that investigation does not violate any general or special law, the collective bargaining agreement, or the city charter. Certain charter provisions prohibit city council from giving direct orders to city employees. City council power to investigate is, thus, limited by the charter. Therefore, if there is to be any effective investigation of the police department, the investigation must flow through the power of the mayor. This is why the Citizen Review Committee was appointed by and reports to the mayor.

The mayor's power to investigate, and thus the Citizen Review Committee's power, is limited by the Police Officer's Bill of Rights contained in Chapter 112, Part 6, of the Florida State Statutes. It holds that if an investigation is generated by a complaint, the officer has a right to have a review board composed of police officers conducting the investigation. If that investigation is by a member of the agency, and member being defined as a sworn police officer, and the investigation could lead to disciplinary action, dismissal or demotion, then the officer has certain additional rights under the Police Officer's Bill of Rights. The mayor's power to investigate is also restricted by the collective bargaining agreement if the investigation intrudes into the area of administering discipline.

To avoid these conflicts, the committee was set up as a committee to investigate how the police department handles investigations of complaints. The committee does not interject itself into the disciplinary process, so it does not conflict with the collective bargaining agreement. It is not a city council committee and thus does not run afoul of the charter. In effect, the previously mentioned restrictions remove the determination of guilt, as well as the assessment of penalties, from the review committee.

We were established on November 21, 1991, by council under Council Resolution 91-961. Our committee is composed of three subcommittees of six members, two cochair, one black, one white, and six alternates.

All members of the committee are volunteers. They undergo an extensive training session, which includes familiarization with the who, what, where, and how's of police work, use of force policy, arrest procedures and techniques, *Miranda* warnings, as well as learning the complaint process in Internal Affairs, as well as in Citizen Review.

The instructors for this training are all police personnel with the exception of myself and representatives from our Employee Relations Division. The purpose of the committee is to review formal cases that have been internally investigated by the police department as a result of citizen complaints, and those cases that have otherwise received a high level of community interest. Through its review and analysis of the case, the committee determines through consensus whether the investigation findings were adequate and appropriate. Where there is discipline of an officer in a case, the committee decides whether that was adequate and appropriate also.

As a result of findings, the committee provides recommendations for policies within the department that will either enhance some positive aspect of policing or prevent some future misconduct. Recommendations are forwarded to the chief through the mayor. The chief has to respond whether or not he is going to implement those

recommendations. If he decides not to, he has to provide ample response.

Formal complaints are allegations of serious breaches of misconduct, and examples of those are unnecessary force, some conduct unbecoming, and falsification of records. I mentioned previously that complaints must be generated by citizens. However, in some cases the chief of police becomes the complainant in the case because he is complaining on behalf of a citizen.

The cases we receive for review must meet guidelines under the Florida Government in the Sunshine Law. To meet the guidelines the cases must have the following attributes.

First, Internal Affairs must have completed its investigation up to and including the chief's decision in that case. Internal Affairs does not make determination of an officer's guilt or innocence and it does not decide an officer's discipline.

Two, if the criminal charges are to be filed by the State attorney's office, those charges must have gone through the criminal justice process as well.

And three, if the officer was found to be guilty of the misconduct, he must have been afforded his appeal and grievance rights. If he decides to pursue this, then that must also be completed.

Depending on when a criminal trial can be scheduled, and how extensive an officer's appeal in the grievance process becomes, the actual review of that case may be delayed from 1 month up to a year.

Each case I receive to distribute to the subcommittee contains the accused officer's 18-month Internal Affairs history, which Chief Stephens alluded to earlier. The 18-months cover a period beginning with the date of the current complaint that is under investigation, or under review by our committee, back 18 months, and it contains all the complaints filed on that officer with its related discipline, if applicable. This history is the same information that the chief receives when he reviews the case file. If he finds the officer guilty of the misconduct, he makes reference to this history to determine the officer's punishment.

The City of St. Petersburg operates under a progressive discipline policy. Under that policy, any city employee is subjected to increasingly severe levels of discipline for each successive instance of related misconduct. If the discipline was termination, then the chief has the right to review that officer's personnel file. The committee is not afforded this right.

Cases are reviewed live here in council chambers each first, second, and third Monday of the month, and rebroadcasted during that week. A full committee meeting is conducted on the fourth Monday of the month to give members of the committee who didn't get a chance to review a particular case an opportunity to vote on the

subcommittee's decision. This ensures that whatever decision comes out of that meeting, it will be considered the opinion of the entire body. This meeting is also televised and repeated during the week.

Complaints can be filed through my office, if the citizen prefers. I forward that information to the Internal Affairs section, so that the process may begin. Internal Affairs has by statute 45 days to complete an investigation. However, the St. Petersburg Police Department self-imposes a 30-day limitation, barring any extensions which must be approved by the chief of police.

The committee reviewed a total of 25 formal cases last year and has reviewed 21 cases so far this year. Of those 21, 4 contained recommendations, one to the mayor and three were made to the Chief.

The one to the mayor dealt with providing a skateboarding area for youth who practice the sport downtown on sidewalks and steps. A city ordinance prohibits skateboarding in the downtown core area. City staff had been presented with that question a couple of years ago, and it presented a liability issue for the city, which it decided not to undertake.

As far as the recommendations to the chief, one dealt with the casual contact made by an officer with a citizen, which escalated into an arrest of that individual, without the appearance of probable cause. Probable cause did, in fact, exist after a review was conducted, and the committee recommended the department establish some guidelines such as a matrix, that explains what must occur before casual contact becomes an investigative stop.

The second recommendation surrounded the actions of members of the department's gang intelligence team. The committee recommended the department establish written policies prohibiting staged photographs of juveniles on the street and create a definitive process as to what is done with those photos afterwards. Another part to that recommendation was that the unit should remain focused as an intelligence gathering unit per its own testimony, as opposed to a street crime reactive unit. The committee has not yet received a response to this and the previous recommendation.

A third recommendation to the chief dealt with an officer who had had two previous complaints of unnecessary force in his 18-month history, and the current case under review at that time made a total of three complaints. The committee recommended that this officer be counseled and that his chain of command be notified of his developing trend, which is a policy of the Internal Affairs section. The committee was informed that this officer's sergeant had contacted the remaining chain of command regarding this officer's problems

after the second complaint, but he has since been terminated.

The committee does in fact impact police policies, and we have received cooperation from the chief in past recommendations. But in order to get those recommendations, the public, and I repeat, the public must do its part in starting the complaint process on an officer. The complaint process is like a car, with its motor running.

As I mentioned earlier, after three complaints on an officer, his supervisors begin to take notice of his or her behavior. If the process is never put into gear to go forward, police administration will never become aware of its subordinates' behavior on the street. Please be advised that in some instances this committee has been responsible or played a vital role in the terminations of some police officers, and if that's to continue, the process must be started.

On the average the committee receives its three cases per month from Internal Affairs, and I receive on the average in person in my office three complaints a month. During the period from October 24 through November 26, I have personally processed 15 complaints against police officers—St. Petersburg police officers and a number of sheriff's department deputies.

A sampling of those complaints include:

On October 24 a mother filed a complaint on behalf of her 14-year-old son who when questioned at the police station about two individuals suspected of stealing cars, was separated from him outside an interrogation room. When the son emerged, she finds out that they have coerced him into signing away his *Miranda* rights, as well as giving permission for his fingerprints to be taken.

Two, November 2, a young black woman was stopped and arrested for a cracked windshield, only to be told that she had outstanding warrants on her, which did not exist once she was booked into the county jail.

November 14, a young 25-year-old black male being slapped by a St. Petersburg police officer. He was asked by another officer not to make a big deal about it, because of the current tension in the city.

November 19, a group of residents of Bethel Heights Apartments, now known as Citrus Grove Apartments, who reported being harassed by groups of St. Pete officers and Pinellas County sheriff's deputies, brandishing shotguns from a van. The spokesperson in that group reported being told by members of both agencies, "It was your night last night; now it's our turn."

November 19, two young black males, age 14 and 15, while riding their bikes home, are stopped one block away and questioned by sheriff's deputies as to where they were going. The deputies were informed that it was to Citrus Grove Apartments. The sheriff's deputies then confiscated their bikes. These deputies are to this date unknown.

November 26, a family who was gathering at a relative's home resulted in a young black male being arrested for allegedly driving with no lights on while en route to the apartment. His family witnessed the young man being thrown on the hood of a cruiser and then became the object of expletives being hurled at them by a St. Petersburg police officer after inquiring about his arrest.

All of these complaints have been forwarded to the Internal Affairs unit at the police department and are now being tracked by my office as to their progress.

Thank you. Are there any questions?

Ms. Lee. I'll make it really quick. You mentioned that you conduct your review based on investigations done by the Internal Affairs department, so does that mean that you do not have the resources or whatever to conduct your own independent review of these cases?

Ms. Bynum. Well, Ms. Lee, it's not a matter of resources. It is a matter of coming under the guidelines of the State statute. The State statute of Florida prevents us from conducting investigations, as well as holding hearings.

Ms. Lee. I think that's why I myself have a problem with the—because if you are reviewing cases based on investigations done within the police department, how can the public trust that you will be looking out for the interest and you will be basing your actions independently?

Ms. Bynum. My answer to that question is to change State legislation.

Rabbi Agin. Thank you very much. Appreciate it.

Dr. Brown. I don't quite understand that response of State legislation, because in—well, we have lots of problems with our independent review panel in Dade County. We think they should have subpoena power and they've been refused it, etc. But it does do at least some of its investigations, in that when they look at the case, they will go out and find other witnesses, go out and talk to the witnesses again that the police talked to. So it's not necessarily a full-fledged investigation—i.e., they don't have subpoena power to bring people in and do that—but they often are able to gather additional information. And they investigate not only the police, but they'll investigate the garbage department if they get a complaint by the citizen—you know, the Waste and Sanitation and the rest as well, but they will go out and do some of their own investigations, provide at least—and operates under the same law—it does at least give some check and they often—occasionally find witnesses the police didn't find that come forward to them, etc. And I would urge you to look at that.

Ms. Bynum. I'm aware of, and I'm not clear on whether it exists in Metro Dade or if it's in Miami Police Department, but I understand their Citizen

Review Committee or board is housed under the umbrella of the police department—

Dr. Brown. No, in the City of Miami there is a body that exists under the umbrella of the police department, but in Metro Dade it does not. It actually—the group is appointed, I believe, by the presiding judge of the district court, so that's where they have their reporting function.

Ms. Bynum. Okay.

Dr. Brown. Although they are funded by the county and in some sense report to the county manager for day-to-day things, it is actually the chief judge.

Ms. Bynum. I will check into that.

Rabbi Agin. Thank you very much. Appreciate it. A gentleman here from the police labor union.

#### Statement of Jack Soule, St. Petersburg Police Benevolent Association

Mr. Soule. Good evening, and in the interest of time, I'll cut my presentation very, very short. I know everybody is tired. I am too. My name is Jack Soule. I'm a 19-year veteran police officer with the City of St. Petersburg, currently assigned to the Patrol Division.

I work the day shift. I work in the Childs Park neighborhood, which is a predominantly African American neighborhood. I like where I work and I like the people that I have to work with.

There's a couple things that I wanted to point out, that the chief—I pretty much had in line some of the things—basically the same things that he said about the positive that we've seen, because of the community policing efforts within our city. And he touched on all the things that I was going to touch on, including the shared responsibility between the neighborhoods and the police officers.

Although it's been alleged or said that the PBA has been against community policing, that is an incorrect statement. We are a proponent of community policing. We have had some difficulties with a different spin on community policing, called geographic deployment, which has basically in our opinion stretched our resources such as 911 responders, officers like myself that are responsible for responding to calls for service from citizens to provide services to them, and we've stretched those so thin that it's become a safety issue to not only the officers but to the citizens themselves. And we've tried to address this issue with the police department, and we haven't had a lot of results from that.

Just recently I can tell you that there was—under this geographic deployment situation we've had where supervision on the street was pretty much nonexistent. We have now been able to get the department to agree that we do need supervision on the street, so they've changed the supervisor's schedule so that there'll be more supervision on the street.

That still doesn't address the staffing issue. Anytime you take 56 officers or more off the street, out of the mainstream of answering calls for service, and put them into specialized programs, such as community policing, that does have an effect on the service that's provided to the community. The chief even said himself that the calls for service, basically the workload has increased, while our staff levels have either remained the same or decreased.

One of the other things—he talked about a lot of the positive, but I think there's some failures, and one of them was, as I believe, the geographic deployment, which has an effect on the overall work environment and the attitude of the officer. They are out there, they're running from call to call. The calls are stacking up. They have to go to talk to citizens where calls have been held for an hour or more. This is not a happy time for the citizens. They want to know what the delay was, and unfortunately the officer also is not happy because of what's going on in the work environment.

We have been told time and time again, and we believe in this concept, that we are to build a partnership with the community. I believe in that concept and I'm willing to do that, but there's another side of that, and that is that the administrator of the police department needs to build a partnership with his employees, because we're the ones that are out there doing the work. Okay. We're the ones that are out there answering the calls. We're the ones that are out there producing the product to try to build this relationship with the community. I understand the chief's position is that his interest is with the community first, and I can understand that, but why can't we strike a happy medium where we can build partnerships together? I think that would resolve a lot of our problems.

He talked about some statistics. He quoted to you some statistics about how crime has gone down and the survey with regards to community policing efforts. There was one part of that survey that he didn't tell you about, was the fact that there has been a decline in citizen satisfaction with police services, where police officers are, and it goes anywhere from attitude all the way down to the number of police officers that are available to handle calls. This is a very important issue, we feel.

He also told you that he's never had the support of this organization. I can assure you that we have worked very, very hard over the last several years to work with Chief Stephens to address a lot of these issues, and in fact he's been told, "Let us help you be a successful chief. Not run your police department, be a successful chief. Let's build that partnership together."

Unfortunately, that did not occur. This is not an aberration. As the Mayor pointed out—I watched part of this on television today—where he said this is just union stuff, it's going on around the Nation. That's not necessarily true. You know, we represent a number of organizations in this county and it's ironic that every other organization that I deal with and that we deal with as an organization, we have the utmost respect and we are able to work with the chiefs of police and administrators in those cities to resolve issues. Of course, we're not always going to see eye to eye. That's the nature of the business, we understand that; but we do work hard and we have respect for each other and we're able to resolve issue at the lowest level possible.

We support community policing, like I said, and we would ask—I don't know what the scope of what you're going to be looking at here—I know you're here looking at civil rights issues. I would say to you as a group that, you know, labor—employee-management relations is a very important aspect of creating a good working environment, so that when people—if you have positive relationships in the police department, when we go out onto the street and we have contact with the citizens, it's going to be more positive than it has been in the past.

If we are guilty of anything, I'm going to tell you that we're guilty of not having the time to explain to citizens why we take the actions that we do, because we're going, we're constantly on the run, and I'll readily admit that. Okay. But we need to do something. We need to look at the way we're doing this, or if you don't want to put more officers on the street, then we need to reevaluate how we're doing this thing, and let's try to work together on that.

We did a survey—I know there's a lot of questions regarding the confidence survey. Again, that's not an aberration. We did an opinion survey in June of 1995—actually it was July—we identified a lot of problems, particularly in morale and how the officers felt that the administration felt about them, were they important, and there was 94 percent of the officers that responded said they didn't feel like they were. I'll wrap it up—anyway, that's basically it. This is not an aberration. There's a lot of history here, and I hope you will take a look at that. I'll be glad to send you all some information. I'm sorry I wasn't able to meet with Mr. Doctor prior.

Mr. Doctor. I apologize for that.

Rabbi Agin. Please do that.

Mr. Soule. And I thank you for your patience and indulgence in staying awake.

Mr. Doctor. One very quick question, if I may, Mr. Soule. Obviously a lot of effort, money, and everything else is going to be invested in St. Pete to try and get the community back together again, to try to develop some sort of healing here. Obviously, if your organization and the chief are at odds with each other, that's going to have a negative impact,



be honest and candid with you about that effort—I mean, with that effort or in connection with the effort, to try and bring the city together again. Is there any way you all can get together and make a concerted effort to try to reach some sort of compromise, some sort of agreement that will send a message to the city that you all are together, and that you fully support the effort that's being made to try to bring the city together?

**Mr. Soule.** Mr. Doctor, had I been able to appear before you earlier, had we remained on schedule, I would have been able to describe to you in detail the efforts and the amount of time that we have put in to try to establish such a relationship that you're describing.

I'm not convinced that that can be done at this time.

**Mr. Doctor.** Could you put that in writing for us?

**Mr. Soule.** Yes, I will put that in writing for you.

**Mr. Doctor.** Put that in writing and send that to us.

**Mr. Soule.** I can tell you that the mayor has invited me and I am willing to participate on his Community Action Committee, and I'm going in there open-minded and I'm going to sit down and listen. But the chief, I think, is another issue.

**Rabbi Agin.** If we could put those feelings in writing and send them on to Mr. Doctor, I would appreciate that greatly.

**Mr. Soule.** I would like to send you all a package of information, if I may.

**Rabbi Agin.** Please do.

**Mr. Soule.** Just send it to you?

**Rabbi Agin.** We'll take care of that. Are there any questions?

**Dr. Brown.** I'll make it quick. I want to ask the same question I asked the chief relative to the cartoon. Can you give me your ideas why it seems to be so difficult and so long to find the cartoonists?

**Mr. Soule.** There's still an active investigation going on, and I'm really not supposed to really talk about it. I'll tell you that there were a lot of law enforcement officers and people around at that time when the cartoons were discovered, so that could be why it's taken so long for them to finish up on this investigation. I mean, we had a number of different agencies in here during that time when that cartoon—when the cartoons were discovered, so that may be. And I don't remember if the chief—how he answered that question to you or not.

**Ms. Garcia.** May I ask one question? What is the Police Benevolent Association's position on the cartoons and—

**Mr. Soule.** Being that one of the identified individuals is a member of the PBA, we are going to let the investigation run its course, and we're going to see what basically comes out of the investigation. We haven't looked or I don't think

everyone has seen both cartoons, whether one is going to be considered insensitive or racially insensitive and the other one is going to be directed more toward politicians or political activity, I think that needs to be resolved first.

I really, you know, I'm trying to play neutral.

**Mr. Doctor.** What is your position on racism within the department?

**Mr. Soule.** I don't think we should tolerate racism at all. I mean, that's the way I feel about it, and I'm telling you that as a police officer. I work with a number of police officers and I'm not a racist, not a racist at all.

**Rabbi Agin.** Thank you, sir. Appreciate it. Quickly please, is Major Sam Lynn present? You're representing the sheriff's department; correct? Sheriff Everett Rice?

**Sam Lynn, Major, Pinellas County Sheriff's Department**

**Maj. Lynn.** Yes. Sheriff Rice is in Tallahassee and he sends his regrets that he was not able to be here to speak to the Commission. I was asked to prepare 20 minutes worth of statement. I can do that or we can cut to the chase if you have some questions.

**Rabbi Agin.** I would love to cut to the chase.

**Maj. Lynn.** Whatever you would like.

**Rabbi Agin.** Be so gracious. Okay. He'd rather have some questions asked and we can deal with that.

**Maj. Lynn.** Sir, I have the remarks that I was asked to prepare.

**Rabbi Agin.** Well, could those remarks be sent to us?

**Mr. Doctor.** They'll be made a part of the record.

**Rabbi Agin.** They'll be placed in the record. Okay. Panel?

**Dr. Brown.** When you submit that, could you please submit information on your staffing, the breakdown both at command levels, supervisory levels, and at internal?

**Maj. Lynn.** Yes.

**Dr. Brown.** Also, I'd like to have some information on what your training procedures are relative to human relations, race relations, civil rights aspects.

**Maj. Lynn.** That would be fine. I'll be glad to do that.

**Rabbi Agin.** There's a statement that was made last evening by a young lady, was dated November 20. The incident—hate call from Pinellas County Sheriff's Department answered by this person, what she indicated here was that several times she had called a certain number, is it 68, 74—star 69, and every time she picked up the phone, there was a remark which is completely uncalled for, made by a person from your depart-

ment. Now, are your calls monitored? Are they recorded?

**Maj. Lynn.** In the communications center. How did she know the call came from the Pinellas County Sheriff's Office?

**Rabbi Agin.** Star 69.

**Maj. Lynn.** That's very curious, because all our switches are call blocked. If you star 69, if you call the Pinellas County Sheriff's Office and star 69, you get a series of zeros. Our switch is call blocked.

**Rabbi Agin.** But does it ring back to you?

**Maj. Lynn.** No.

**Mr. Ingram.** So in other words, you call that number and you get nothing?

**Maj. Lynn.** If you call one of our numbers—no, we would have to call you. If we would call you and you wanted to see who it was and you did star 69, you would get a series of zeros, because our call switches are blocked.

**Rabbi Agin.** That was the complaint that the racist remarks that were passed on by the person—

**Maj. Lynn.** It would be a technical curiosity, sir. I couldn't imagine how that could happen.

**Rabbi Agin.** I'm only relating an incident that was called to my attention. The training of your personnel, does that include how to deal effectively or kindly, however you want to determine, with minorities? That's number one. And number two, do you have minorities on your staff? Number three, are there any minorities in executive or upper level positions?

**Maj. Lynn.** Number one, I would have to go back and get all of our training information, which I will send to you, but I know myself I've been to St. Petersburg Junior College for Mr. Tulkey's human diversity training, which covered some of the areas. I also had a full day at the Sunstar Ambulance area, close to our business or close to our office, and also I'm scheduled for 2 more days of human diversity training, so we get a lot of human diversity training. As far as our staff, we have minority African Americans at the level of sergeant, lieutenant, captain, and on our executive staff. I don't have those numbers with me but I'll make those—

**Rabbi Agin.** But you will send them.

**Maj. Lynn.** He's already asked for them.

**Rabbi Agin.** And I'll just pass along. Anyone else? I think you're free as a bird.

**Maj. Lynn.** Thank you very much.

**Rabbi Agin.** Thank you for coming, sir. All right. Russ Sloan.

#### **Statement of Russ Sloan, President, St. Petersburg Area Chamber of Commerce**

**Mr. Sloan.** Russ Sloan. I'm president of the St. Pete Area Chamber of Commerce. I've been here about 2½ years, so I came following the difficulties I guess associated with the last change of leadership in the police department.

And just a little bit—I know time is short and I will be brief, but I come from a college coaching background, and so I really think that athletics probably is one of the best teachers in the American way of life, and the thing that vividly teaches. In fact, I think if every American could at some point in their life coach for a living, we'd have very little prejudice in America, because the thing that you find out, that if kids are given the same basic good fundamentals, the same motivation, the same discipline, and the same demand for excellence, you don't worry about the results. And I've tried to bring that same philosophy that I played with and coached with into my work with the chamber.

What I'm going to share with you today is something that we're just going to keep right on rolling, but I think it's important for you to know that 3 years ago, roughly when I arrived pushing 3 years now, that we became proactive in the south part of our community, and nobody had to tell us to do that. Three years ago we did not have a south central area council. Three years later it is not only in existence, it is the best one we've got. In fact, it has become so dynamic that we've tried to pattern all of our other area councils to match the excellence of our area council on the south side.

It gave birth to a Rotary Club that is tremendously diversified, probably one of the most diversified Rotaries in all of Florida. We created a mentor protege program where we matched up small minority businesses with larger businesses, so that they could give their marketing expertise, their human resource expertise, their legal expertise, and we've matched them up for 18 months so that these larger companies can help the small minority companies with any problem that might arise, and that program will constantly grow.

We've created an Entrepreneurial Academy, which is a 10-week, 3 hours 1 night a week, and it has become so popular that we started with two sessions a year and now up to three sessions a year. Some of our minority-owned business graduates have publicly stated in the paper, and I've got articles, where they owe most everything that has worked for them to the help of the chamber and to the instruction that they've gotten.

One of the things that I am tremendously concerned with as one that comes from a teaching, coaching background, is that I've studied enterprise zones across America, and in a report about 2 years ago one of the results of enterprise zones is, yes, they work pretty successfully in creating jobs, but they rarely affected the hard-core unemployed within the zone. They wound up hiring people from out of the zone, and so one of the great dilemmas is, in an ever-increasing technical society, what kind of jobs do we create, enterprise zones or no enterprise zones, that will attack the really hard-core unemployed?

This chamber has really gotten very aggressive in the area of education. I think we all recognize today that the good jobs of the future are going to those areas that have strong educational systems. And we had a great meeting with Dr. Hinesley in our efforts to do something in the educational system that would make a measurable difference for improvement, because I think we all know if most of our kids are armed with good skills, we'll get them jobs, and so we personally have concentrated on Melrose Elementary, which is one of the elementary schools right in the heart of the area that we're talking about.

In fact, today I met with my little first grader, a little African American girl, sweetest little thing you can imagine. We're working on our ABCs. I don't know about her, but I'm getting real good on my ABCs and sounds. But I tell you, it's that one-on-one opportunity that makes a difference.

So I guess there's a lot more that I could talk about, but your patience I know has to be nearly exhausted. The only thing I can say to you is that we have surveyed 3,000 businesses in the last 3 years to identify businesses that are struggling for survival, that are hoping to expand, or are unhappy and thinking about leaving. Eighty percent of our job growth in St. Pete is going to come from existing businesses. We have made a tremendous commitment to the south St. Pete, to St. Pete in general, to our educational system, and we'd like to leave no stone unturned, and we started this well before the problems that recently arose.

I'll be happy to take any questions.

**Rabbi Agin.** You have one short question?

**Ms. Reynolds.** One short question. Mr. Sloan, we had Mr. Sevell Brown, I believe, come before us last night representing a Coalition of African American Leadership. But one difficulty they were having, coming around the table and sitting down with, quote, unquote, the power brokers of the community, and that they were having a difficult time getting the chamber to the table. Is that a factual statement and if so, why?

**Mr. Sloan.** I am totally unaware of that. I've had one conversation with Sevell, and my conversation was that the mayor needed to appoint the broadest based group as rapidly as possible to delve into all of the aspects of what we could do to make this better. That's the only conversation I have had, and I have absolutely no inkling of why he would feel that way.

**Mr. Ingram.** Are you related to Lon Sloan by any chance?

**Mr. Sloan.** No, I get asked that quite a few times, but no.

**Mr. Ingram.** I have a question that was left here for me to ask. Let me read it. It says, "Beyond providing inkind services like crowd control for the SCLS, Twelfth Annual National Martin Luther King, Jr., Drum Major for Justice Parade and

Festival of Bands, what kind of support are you and the chamber members providing in sponsoring support for the parade?"

**Mr. Sloan.** We don't financially support any other organization other than the chamber and its activities. We participate in the parade every year. I don't know whether you know or not, but this chamber has staffed the Community Alliance for 28 years at no compensation from the city or anybody else. The Community Alliance has been our biracial effort to try to avoid the kind of problems that we have just experienced, and I will put our Community Alliance volunteers over 28 years up against any community's as far as commitment, but we are actively involved in the parade as far as participants, but we don't financially sponsor that or anything else other than chamber activities.

**Mr. Ingram.** A second part to that. I understand that the parade averages an annual attendance of some 100,000 in attendance and features some 40 marching bands from around the nation that comes here to salute and pay tribute to the legacy of Dr. King. I also understand that it's the largest platform for bringing the races together in this community. To that end, are you and members of the chamber giving serious consideration to utilizing the Martin Luther King, Jr., National Parade as a platform for healing and justice on January 20?

**Mr. Sloan.** I think that's probably one of the key reasons why we have participated for all these years.

**Rabbi Agin.** Brad, do you have a question?

**Dr. Brown.** Just a followup on this meeting with the coalition.

**Rabbi Agin.** Yes, sir.

**Dr. Brown.** My notes reflect the fact that what the coalition had asked was for the mayor to call together yourself, tourism, etc., school board, five or six key people to sit down, and they hadn't had a response. So what I'd like to ask you is if you were asked as part of this by the mayor, is this something that you would be open to participate in?

**Mr. Sloan.** Oh, sure. The reason that Sevell and I had a conversation was he was asking me my response to what he had faxed me on that. My response was that I didn't think the mayor ought to be responding to all different kinds of individual groups, whether it was his group, the chamber, or any other group. In other words, let's all come together. I didn't think that it would be right for the chamber to say to the mayor, "Mayor, this is what we think you ought to do," anymore than I think it would be right for any one, single entity to say to the mayor, "Gee, we think we've got all the answers; this is what we think you ought to do." So my encouragement to Sevell was, "Let's all have a broad-based meeting together and we would be happy to participate," and I think that's now in the

process of happening. I have no problems with that whatsoever.

**Rabbi Agin.** Thank you, sir. I appreciate your time. Is the superintendent of schools here, Mr. Hinesley? All right.

**Mr. Hinesley.** Thank you.

**Rabbi Agin.** Will you grace us with capsulizing?

**Statement of Howard Hinesley, Superintendent of Schools, Pinellas County**

**Dr. Hinesley.** I'd be glad to. My name is Howard Hinesley. I'm the superintendent of schools.

My comments will be basically four areas, and I will make it brief. I will call to your attention that should you have questions of the school board, the chairman, Mrs. Corinne Freeman, is here, as well as one of our administrators, Thomas Stevens.

The school system in Pinellas County is the 23rd largest school system in the country, with over 105,000 students and approximately 140 schools. I'm proud of the fact that following the recent disturbances many of the programs that we have in place were instrumental. I believe, in our school system not having any problems within the schools following the disturbances. Each of our middle schools and high schools have multicultural committees that have been in existence for 6 years with a teacher sponsor. I think that if you look what's happened since the disturbances, you will see that many of our student leaders have been heavily involved in a number of programs that have been instrumental in assisting our schools. Our schools were maintained and kept open following both of the disturbances.

I would point out to you that we have a 500 Role Model Program which is modeled after one in Dade County that has been very successful. We have African Americans working hard throughout the community to mentor with our African American students to assist us in our schools.

We have what we call a Doorways Scholarship, where college scholarships and technical education scholarships are awarded to elementary and middle school students at an early age as an incentive to do well in school. Over 600 scholarships have been awarded, with 38 percent going to African American students.

There are lots of other positive things that I could share with you. There are some areas in response to the communication that I received. I would point out to you that our areas that we are trying to address, that are community issues that at times cause friction in race relations.

The first one deals with the governance within the school board itself. We have seven school board members that are elected countywide in the school system, and that has been an issue for a number of years. The school system has, prior to me becoming

superintendent, had been sued on two occasions, to look at single-member districts. In this school system, following all the research that was done, it would take a large number of separate districts created before you could actually have a district that would have primarily African American representation of registered voters.

The school system has solicited input back in August and September of this year in writing from all the major players in this issue, both chapters of the NAACP, League of Women Voters, both North and South County Minority Advisory Committees, PTA, the Community Alliance, and others, and asked them for written suggestions, along with research that they might have, to give suggestions on how we might enhance the opportunity for an African American to be elected to the school board. Some of those organizations have asked for an extended period of time. The deadline was, I believe, the 15th of December. Several organizations have asked that we extend that until the end of January, so we're waiting to receive those replies and then there will be another workshop with the school board to consider the input from those various organizations.

The second issue, which is a continuous issue within Pinellas County, is that we are under a court-ordered desegregation plan and have been since 1971. Unlike other school systems in the country, the modification to our court order has been very little.

So you can understand what our court order calls for, no school in Pinellas County may exceed 30 percent African American. The majority of the African American population lives in St. Petersburg, and therefore is transported from St. Petersburg to schools as far away as 12 to 14 miles from St. Petersburg, and they are replaced with white students. This is a rotation plan for whites that's been in existence since 1971. We've had numerous negotiations with the Legal Defense Fund and are currently in negotiation with the Legal Defense Fund to look at ways to modify the court order to relieve the burden primarily for African American students.

But I also point out to you that the courts divided the county in half, so there's a north county and a south county as defined by the court order. In north Pinellas the court order requires a minimum number of African Americans to be in schools. That's where the largest percentage of our population growth is, in north Pinellas. The African Americans in north Pinellas have asked for relief because there is a school with 2,600 students with an African American population of approximately 3 percent. The African American population comes from neighborhoods which must attend three or more schools to meet the minimum required by the court order.

We have African American communities that serve 11 to 15 schools to occupy those various percentages. And so we are working collaboratively with the Legal Defense Fund and with the community to look for ways to relieve the burden of some of the transportation requirements in a desegregation plan.

And the third issue, which is a sensitive issue here, as it is in other places that we are trying to address it, is the suspension rate for all our students. Here we're not unlike any school district. We have a higher percentage of African Americans being suspended than we do others, and we have a group that's currently looking at that. Just for your information, we have a very strict code of conduct when it comes to weapons and drugs. We have a zero tolerance policy when it comes to drugs. You are automatically recommended for expulsion for drugs. It does not mean that you're out of school, but you are removed from the traditional school program for possession or distribution, the same with guns.

The single greatest area that we're trying to address is that of defiance, and that is a significant area that we record a large number of recommendations for suspensions. It's disproportionate for African Americans.

We have in our district required training in the multicultural area. We have a contract with the National Conference of Christians and Jews that's been in place for approximately 3 years where we require staff members to receive training as well as multicultural teams, and they provide training as a part of our school system.

And then the last thing you asked me to address in the letter was our relationship with law enforcement. We have school resource officers in all of our middle schools and high schools, and we have contracts with each of these law enforcement agencies through Pinellas County, depending on the municipality. We pay half the salary of the officers and the law enforcement agency pays have.

We have good representation of African American officers in our schools throughout Pinellas County, and our relationship with the various law enforcement agencies is very positive. We have the DARE program in our elementary schools, mostly provided by the City of St. Petersburg and the sheriff's department. The officers that we have in our schools are jointly selected by our administrators in the schools and the law enforcement agency. I can say that our school resource officer program, which requires in addition to the law enforcement component, an instructional component actually teaching in the classroom, has been very successful.

I'd be glad to answer any questions, but I also remind you that School Board Chairman Corinne Freeman is here.

**Rabbi Agin.** Ms. Freeman, would you like to come forward?

**Mr. Doctor.** What your name again, please?

**Ms. Freeman.** C-o-r-i-n-n-e, F-r-e-e-m-a-n. I've been on the board for 8½ years.

**Mr. Doctor.** I have one question, if I may. I'd like to direct this to the superintendent.

**Ms. Freeman.** Delighted.

**Mr. Doctor.** I thought you might want to comment on it too, Ms. Freeman, but I'm concerned about the extent to which your curriculum in the school system throughout the county reflects African American contributions to this civilization, and to the world civilization for that matter.

**Dr. Hinesley.** Just like any other school district in the country, we have had difficulty looking for appropriate textbooks that actually reflect what we would like to see in the curriculum, and I'm proud to say—you're welcome to have a copy of this—we have an integrated curriculum, K through 12. It was developed by many of our African American teachers and we begin at kindergarten and go through grade 12.

We are currently in the process of training every faculty member in each of the schools. We have some African American teachers that we have called on specifically; Mr. Lightfoot from Dunedin High School is leading the charge. This is a copy of our integrated curriculum that was developed. We have had difficulty finding what we believe to be appropriate textbooks to address all the different areas that we think are important, so what we are doing is supplementing our various textbooks at the various levels with this material until such time as more appropriate materials are developed.

**Mr. Doctor.** How long have you been searching?

**Dr. Hinesley.** How long have we been searching?

**Mr. Doctor.** Yes.

**Dr. Hinesley.** Let me tell you that in the State of Florida the State establishes an adoption process and they give us a choice of five or six textbooks, and we choose from that five or six. So that process is controlled by the State, and we select from the list. For example, in social studies they tell us that this is the list that you can choose from, and then we evaluate the ones we would select from, usually from five or six, is the process that we use, and that cycle is that those books are on adoption for 6 years. Every 6 years we change textbooks.

**Dr. Brown.** If I could just follow up on that. I'd like to have a copy of that.

**Dr. Hinesley.** Sure.

**Dr. Brown.** Do you have two copies?

**Dr. Hinesley.** I just have one with me but we can supply others.

**Dr. Brown.** Great. To follow up on Bobby's question, you answered generally and a lot of the curriculum has focused on contributions to African

Americans to history here in the United States, or perhaps within the Americas. And that's important. There's also the element of history prior to coming to America, and I think that was what Bobby was specifically asking about, and we heard a number of people mention last night that that area was not being addressed, and I'm wondering does your curriculum consider the history in terms of prior to coming to the United States, and the contribution of Egypt to European and western civilization as well as Africa?

Dr. Hinesley. Yes. I would point out to you we have 7,000 teachers, and where we get our criticism many times is we get complaints and we deal with it. Many times in a particular subject area, it may not have been integrated like we'd like for it to be integrated, and therefore the words get out, and then we're dealing with a perception problem, that it's paintbrushed throughout the district, and that is a large problem in a large school system.

We believe that it's important, not only as you alluded to, to talk about the contributions made back in America from this country, but also the culture before African Americans came on this continent, as well as the importance of art, music, and I think if you visit our schools and you see—one of the things we're attempting to do is to get away—even though we want to—we're going to continue to emphasize the need for Black History Month and some of the special kinds of occasions. One of the things that we're trying to do is make this a generic, universal curriculum, 180 days of the year and in summer school.

And I will tell you that's a challenge. When you do that, others want you to move away from the special designation. And I'm being honest with you. And so one of the things we're trying to do is paddle up that stream very delicately and try to address those issues so that we can make sure that we're covering all the bases and do what our total community wants done, particularly as it relates to this curriculum.

Mr. Doctor. Well, we heard a lot of criticism last night along those lines.

Dr. Hinesley. I want to say some of it was probably justified. I'm not going to stand here and try to defend—I would just tell you that some of it would be perception, some of it would be factual, and we're trying to address it.

Rabbi Agin. How many of your administrators and principals and upward in the school system are African American?

Dr. Hinesley. Let me talk about my immediate staff, tell you how we're organized. We have 140 schools. I have a staff of 12. Three are African Americans. Our schools are supervised directly by area superintendents, and approximately 30 to 40 schools, and we have two of the four area superin-

tendents are African American. The personnel director is African American.

I'll share with you the problem we're having and some of the criticism that we get that, I believe, is not justified. You have to understand, we're growing at about 3,000 students a year. We have a full-time recruiter for African Americans and we recruit nationwide, and while we in the past 4 years hired more African American teachers than ever before in terms of raw numbers, our percentage is decreasing, although we still exceed the national average. When you have 3,000 students that are growth, and the majority of those are white, and you go out and you recognize that the labor pool for teachers for African Americans is really quite low, and you're competing with other school districts as well as other occupations, we are doing quite well.

As far as high school principals, we have 16 high schools and I think 4 are African Americans. We have approximately 16 percent of our administrative staff is African American in the schools. We require an African American in each of our high schools on the administrative team, either the principal or assistant principal.

Give you a comparison, 18.21 percent of our student population is African American. Our teaching population is about 8 percent, 8.3 percent, as compared to a national average which, I think, is between 5 and 6 percent of African American representation.

Rabbi Agin. Thank you very much. Ms. Lee?

Ms. Lee. What happens to a student who has been suspended? Does the school district provide any services to the student?

Dr. Hinesley. We have several programs in place that are isolated programs. For example, we provide teachers here in the city at Mount Zion Church where we provide the teachers, and as a part of the Mount Zion human relations program, they provide the space and students go there for a special program.

All of our high schools and middle schools have inschool suspension centers as the first alternative. We require schools to use alternatives to out-of-school suspension, unless it's an unprovoked attack of some type of violent action. We have a very successful program at Clearwater High School that has been piloted, where they have the inschool suspension that has a component with it, a counseling component, that's funded through another agency. We have a number of specific programs available. When a student is involved in a serious fight or violent act, the student is automatically suspended out of school anywhere from 1 to 10 days. After that they're allowed to reenter the school, except in those cases I talked about with a zero tolerance, where we recommend expulsion automatically, and then look for an alternative outside the school.

**Ms. Lee.** And are they going to be on the student's record?

**Dr. Hinesley.** Suspensions in Florida are not on the permanent record. Expulsions are. Suspensions are not. They're not maintained as a part of the student's category A record, but expulsions would be.

**Ms. Littler.** Have you received any material from the Southern Poverty Law Center on their teaching tolerance project? Have you ever heard of that?

**Dr. Hinesley.** I've heard of it. Just recently I met with a representative that was visiting the city, along with a team from the Department of Education. I took a representative from Secretary of Education Riley's office to visit a school where she met with some students. The representative offered some assistance using some dollars they have, and she mentioned that particular project. She emphasized their hate training program that they have utilized in Los Angeles and other places. They have four areas that they have designated and they're looking at us. We said we would want to cooperate and would be interested in participating. We're waiting to hear back.

**Rabbi Agin.** Thank you very much.

**Mr. Doctor.** Ms. Freeman, would you like to add anything?

**Statement of Corinne Freeman, Chairman,  
Pinellas County School Board**

**Ms. Freeman.** I have been involved with the school system for more than the 8 years that I've served on the board. I think our school system has done an outstanding job for involving students. We've set up tremendous magnet programs that were started about 1983, the international baccalaureate, the program for the arts at Gibbs, the program for the students who excel at Lakewood—we're talking about south side schools. At Lakewood, the School for Science and Technology, and when I say that, we've been involved in that.

I was the mayor of the city for 8 years prior to going on the school board. This city has always been deeply involved with the schools and continues to be so, setting up programs. I'm sure there are some people who disagree with me about this. My kids went through the schools here. Sure, everything is not perfect, there's no question about that. But I think for the most part we have tried very hard to be inclusive with all children, and I know our board is committed to doing this.

One of our members of our board is involved with the National Conference and has been very, very involved with many of the organizations that have spoken to you the last few days, and she's very much committed, as are the rest of us. We've been deeply committed to the desegregation program. I was responsible and involved as president of the League of Women Voters back in

1971, when we set this in place, the desegregation. So you're not having people who are just beginning to get involved. Most of us have been involved for a long, long time. And I just wanted you to be aware that this is not something we're doing because there's a problem today. I and other members of this board have been involved for well over 25 years, almost 30 years, in keeping this thing together.

So I just want you to know that we're just not newcomers to the problems and that we're not newcomers to trying to do things to help all children. We have been involved.

**Rabbi Agin.** Thank you very much.

**Mr. Doctor.** Mr. Chairman, it's just going to take 5 minutes, and we certainly owe an apology to Mr. Ross and Reverend Henry, who obviously are the cochairs of the Police Citizens Review Board. We failed to ask them to come up to make a brief comment on what's going on with their organization. Are they still here? They left? Please extend our apologies to them.

**Rabbi Agin.** Okay. We are at a critical moment in our lives. And it's almost 5 after 8:00. There are some meetings going on—what is that?

**Mr. Doctor.** It's the Community Action Commission that's meeting tonight, if you will. We've all been invited to come over and participate, so we're trying to get to that meeting, but we certainly want to hear briefly from people who have signed on.

**Rabbi Agin.** Those of you who are going to that meeting, I can understand you wanting to go to that meeting, being involved. Any of the members here have to go to that meeting—I understand you have dual responsibilities. So feel free to go, and what I'll do is ask those people—I'm a glutton for punishment—is just to ask if you've not spoken before, you may speak again. This time only for 2 minutes, however—got to have a little mercy and a little compassion. However, it must be directly towards the topic. If it has nothing to do with the topic of the situation that has occurred, the problems that were going on within this community, then please don't speak.

If your concern is that within the community, that's all right. If it's other concerns that you have, I will take your card and pass it on to this fine young lady, who will then take that card and deal with it in an appropriate fashion.

Now, please—2 minutes. There will be no comment from us. You have 2 minutes, and we hope that we have your support. I know we do and I thank you in advance.

All right. First one is Kelly Brandon. Next. Johnny Long. Ernest Brockington. Did you speak last night sir? All right. We will beep at 2 minutes.

### Statement of Ernest Brockington

**Mr. Brockington.** What I have to say is in relation with probably some of this. I live in the immediate area of 18th Avenue, and what I want to speak about is me as an individual and my life here among the people here of this town, and I'm a veteran, and I'm also—you're familiar—I am a descendent.

Now, the reason why I'm here is because of my present position in life and the way that I am being treated here in this city. Now, I have documents on this thing. Now, first of all, I'm here mainly because I want to make contact with the chain of command into the Federal Government, like I am now in Congressman Bill Young's office and from there to the Secretary of Veterans Affairs, to President Clinton. This is concerning a decree. I have an authoritative document that was issued to me in 1984. My uncle was a survivor of the Rosewood massacre and he was also a disabled veteran.

This is concerning a will decree that the government, that I brought to their attention that they have not acknowledged and I am getting different responses of negligence of—well, I have one letter stating that I'm due benefits.

Then I get another letter saying that I don't. Now, mainly what I want you all to do, if possible, I want you all to make it possible that I present this decree to the next level of command to be processed through the Federal Government, because the DA down here has not acknowledged these facts.

And this authoritative document is to be interpreted. It's required of ascertaining and deprivation of words. This has been done to me as an individual. It's a—element that was issued to be from the Federal Government. It has to be processed through me as an individual.

**Rabbi Agin.** Time is up, 2 minutes.

**Mr. Brockington.** You all understand?

**Rabbi Agin.** If there's any further question, you see Mr. Bobby Knight. He'll be glad to take that information.

**Mr. Doctor.** And keep in mind that all of this is being recorded. It's being made a part of the record.

**Rabbi Agin.** Herb Snitzer. Joseph Wiggins.

**Mr. Doctor.** Mr. Wiggins.

### Statement of Joseph Wiggins

**Mr. Wiggins.** I came here last night. I know you've seen me over there trying to talk, but it's a thing of business that yesterday I heard all the older people talk.

I'm a self-employed person right in the community. But last night, like I said before, I heard all of the older people talk. Well, I'm one of the young people, okay.

And I'm out there and I see all these kids out there and I see how they talk and I see how people my age talk too. Some of these guys who were up

here yesterday talking about \$20 million and all this type of stuff, and talking about what they're going to do, and this is supposed to happen.

Well, over the years I really haven't seen that happen. All right. I've been struggling in the business for—I've been asking for help. Who is going to help me? You know what I'm saying? I take these kids off the street and I hire them to work in my shop after school, teaching them how to print teeshirts all day. Okay?

Now, they all talk—they all talk, but a lot of them aren't making the walk. It's like you, I seen how you walk through Jordan Park and all those other places, you know. That's the first time I ever really see somebody do something. And the guy who came from D.C., he came—he started walking through.

Then you got Sevell Brown, who also started walking through, you know, who does the Martin Luther King thing, but a lot of other guys, like the brother from Urban League—I'm a young cat talking. The guy from the Urban League, I don't hardly see him nowhere but sitting up there with gold rings looking like a pimp to me.

I'm just being honest with you. This brother here sees it. All the young brothers see it. You know what I'm saying, I'm sick of them trying to talk to me. It's over with because soon I'm going to be the one who is going to have to be a leader, you know what I'm saying, teachers coming from a brother like myself—all that type of stuff. I'm going to have to be the one who has got to deal with this stuff. You know what I'm saying? That's the reason I wanted to talk.

**Mr. Doctor.** Can we get your name and address for the record?

**Mr. Wiggins.** It's on there.

**Mr. Doctor.** Well, a telephone number too? It's on there too. I personally want to call you, that's why I'm asking.

**Mr. Wiggins.** Okay.

**Rabbi Agin.** Thank you very much, sir. Rhodes. Okay. Jim Barron. Devine, Carl Devine.

### Statement of Carl Devine

**Mr. Devine.** Thank you for the opportunity. You said that if you spoke last night, you had 2 minutes? If I didn't speak last night, do I get 3 minutes?

**Rabbi Agin.** No. It's 2 minutes.

**Mr. Devine.** Okay, I'm sorry.

**Mr. Doctor.** We appreciate your understanding.

**Mr. Devine.** I first want to talk about the fact that I had an experience with the police department where they illegally searched my house, took my two rifles out of my house, 3 years ago. I'm still fighting with the city trying to get my rifles back.

Then I find out today—yesterday from Gail Sutherland that they had taken my rifles, and



they're using one of them in the police academy for training. This is the type stuff that we go through.

There are other people here who have their goods taken from them, and they're not ever given back. What responsibility does the police department have for the mistakes that they make when they're dealing with citizens who have not broken any of their laws?

I'm saying the solution there would be to have them to bring my stuff back to me and apologize to me for the mistakes that they have made. Since they have taken my guns and they're using them, I want to be paid for that for using my guns and for holding them for 3 years. Those guns have been in my family for years. Winchester is out of business. I will not be able to get those guns again.

Second, ask some of these black police officers about the racial epitaphs in the bathrooms at the police station, at the city and the county, at the sheriff's office. Ask them.

When we talk about the school systems, they will hire white teachers out of their fields. They won't hire black teachers out of fields. Discrimination.

Two sets of standards here with which we have to deal. I think you're asking the top. Go to the bottom and ask the people who are on those front lines every day what they have to deal with. You'll get some answers there.

When we look at these magnet programs that the superintendent just spoke so bravely about, go to the other programs, which is the SLD and SLD classes, they're all black and they're all male.

And when you talk about principals, black principals, they're women, not men. There are some issues there that you really need to look at that are not being addressed.

I need more time. You gave them 3 minutes last night. That's discriminatory.

But I preface my remarks by just saying—

Rabbi Agin. Two minutes, but we can take material in writing. If you have more in writing—

Mr. Devine. I've got a lot of issues.

Mr. Doctor. I can give you my card. Mail it to me.

Rabbi Agin. You're not limited in terms of what you can give us, but 2 minutes—Ms. Waller here?

Mr. Devine. I think my teeshirt says it all about St. Petersburg.

Rabbi Agin. I understand that. Is Emily Rogers here? James Muhammad?

Mr. Doctor. He's at the other meeting.

Rabbi Agin. Ortez. Marcus, III?

Mr. Marcus. My issue involves the civil rights case, not—

Rabbi Agin. Not this, then please—

Mr. Doctor. I have his information.

Rabbi Agin. We'll respond to that. Thank you. Ray Plummer.

#### Statement of Ray Plummer

Mr. Plummer. I'd like to say, you know the City of St. Petersburg, we have—I'm not against my own color, but I'm not the only one that's mad. We put black folks in these high positions and this position like that.

Then they say, you know, it's the blacks are mainly doing the—and it's the white folks that are putting the blacks in these positions to do it to them, so we can't kill discrimination here in the city of St. Petersburg, and right now it's time for this time to stop anytime.

The—will get ready for a young black man or whatever in the city of St. Petersburg, can hardly find a job. Then they're saying the black man can't find a job—anytime they're ready to lock you up, they know what you do. Oh, you haven't paid your child support. Let's lock him up anytime we want to.

But then we got more jobs for the white officers? You hear what I'm saying? This and that and it's time for this thing to stop—and today just like the superintendent was talking about the schools.

My two little boys, four and two, me and his mother does not get along, but I try to go and see my kids and do everything I can for those boys, and they go right over there to the Mount Zion Progressive, same school that they say the kids have to go to. You hear what I'm saying?

And it's time for this thing—the pastor won't even talk to me over that way. His name is Pastor Garrett. And he has such a big reputation in the black neighborhoods, you hear what I'm saying, and he doesn't ever talk to me, and I called the school board. I called—you know, they told me today—they say, "Well, if you want to be nasty, Mr. Plummer, we can say that too. You don't even have visitation rights to your kids, and you're coming over here to see your kids."

I said now, it's like this, how—just like they have a Legal Services down here. A white go down and he cannot get any kind of legal representatives, but you know what they use, they use a black poor person to get all this Federal Government coming in, and we do not see it.

Just like the man just got through saying, we do not see none of this money, and it's time for this stuff to stop. They get the poor black person to get all this money, and the white folks are living good off this and they're paying these so-called black Uncle Tom's, this and that. It's time for this thing to stop.

Justice. It's time for this thing to stop. Just like my little kids coming up, they're going to be in the same damn predicament I'm in now, and I can't even fight them. I can fight—you better believe I will be. But they got me—you hear what I'm saying? I can't do nothing. It's time for the black man to get some kind of representation. I don't want my kids to come up the same way I'm going

through this stuff. I don't. I love my little boys, and you know what, they got—I can't find no job, they put me in jail anytime they want to, anytime.

You go to the judge and they use the mother against the father, the father against the mother. When is this thing going to ever stop? All in the name of the welfare system. The welfare system.

Jordan Park is a nice piece of land over there, and you know what, they're going to tear it down. You know why? All through the name of Federal Government money, and it's time for this thing to stop. You hear what I'm saying? Because you know what, no better—you know what, then they got me, but the minute I jump crazy and do this and do that, they got me right in their hands.

When is the black man going to ever get any freedom, any freedom whatsoever?

Rabbi Agin. Thank you so much.

Mr. Plummer. I need some help too. I can't get a lawyer to represent me. Every time a black man go to court, this and that, you know what—get out of here. You need some money. You need some money—they won't even give me a chance to get out there and work for what I want. When we ever going to get any justice?

Mr. Doctor. Thank you so much.

Rabbi Agin. Matthew Sullivan.

Mr. Doctor. Matthew Sullivan.

Rabbi Agin. Joan Lindsey. Not here. Are you Ms. Lindsey?

#### Statement of Joan Lindsey

Ms. Lindsey. Yes. When I watched you all last night on TV, I wanted to be here, but my car was firebombed and I don't have wheels, so darn it, tonight I said I'm going to come. The hell with it, I'll take a cab.

You guys are wonderful. I sat up there until 1:15 and watched you guys sweat, so all day tonight I really worked on a little something. I'm going to try to get through it because—my friend reminded me I've got to put in a few licks for my neighborhood.

I live at Fourth Street and 22nd Avenue South. I'm here tonight as an American Caucasian of mixed Scottish, English, German, French descent, to express my shock and outrage as I listened on Channel 15 last night.

I wanted to be here last night, couldn't, so I'm here tonight. I felt I just had to come and speak out to decry the very poor judgment of Chief Stephens in letting the situation at the Uhuru House happen as it did.

I'm no friend of the Uhuru Movement, but I was horrified by the action that night. The number of people that gave witness to the events of that situation cry out for belief. I do not condone the criminal behavior that followed this.

Our neighborhood is just set southeast of this location, and has been plagued by pockets of drug

dealers for years. As a Crime Watch coordinator I've gotten wonderful cooperation from our police and only rarely do I run into an unpleasant officer.

I've been aware for years of the animosity our officers feel for Chief Stephens. Harbordale will soon bring its neighborhood plan, planning commission to this city, and we're looking forward to a continuous improvement in our neighborhood.

We have begged for additional community police officers in our neighborhood. Chief Stephens feels that he is going to make the city feel good by not asking for more police officers. We need more police officers on the street to protect our black citizens from black crime, and my friend will testify to that.

The reason we don't like people congregating in our park, we have a beautiful, big center, Frank Pierce Center across 22nd Avenue, because these people congregate, they do their drugs, they intimidate people. We go in there, there are baggies all over the ground the next day.

These people come in with their boom boxes. The parents disregard their children. They call them M's and MF's and everything else. The language these poor little toddlers speak, it's just really shocking.

We can't travel down Sixth Street South for the drug dealers that block the road.

Thank you very much. I'm glad you're here. I hope you send a task force to investigate this place, and God bless you all.

Rabbi Agin. Bradley Johnson. Saul Korn.

#### Statement of Saul Korn

Mr. Korn. I've been a resident of St. Petersburg for 18 years. I was here till the bitter end last night and I appreciate the fact that you all were here also.

I'm very concerned that there's a disparity in power between the police and the citizens of this city. I think this happens everywhere. I have several years of having done volunteer work as sort of like prison ministry in the Department of Corrections in Florida for—as the coordinator, International Coalition of Jewish Prisoner Services, under B'nai B'rith International in Washington, D.C. I'm on the National Steering Committee.

I witnessed—I'm sorry—I was made aware of a beating that an inmate took from five officers. It was correctional officers 46 miles from here, Zepher Hills Correctional Institution. It was very similar to the Rodney King situation. I initiated an internal investigation in Tallahassee. The report was absurd. The incident—there had not even been an incident report until I reported it.

I actually got to reopen the case a second time. Nothing happened. All the officers remained at the prison. The inmates were scattered throughout the State. The officers were not required to take a polygraph test. Sworn officers, law enforcement

officers are not required to take polygraph tests. I think that they should be. If they have nothing to hide, they should talk. They can't talk, they can walk down the street. They shouldn't have that career.

In my job, it's a drug-free agency. I had to sign a form. If I don't provide a urine sample, if I were requested to do, I don't have a job. I have a choice. It's not an infringement apparently of my constitutional rights of self-incrimination. If I don't want to give a urine sample, there's the door.

And so I say to police officers and correctional officers, and all law enforcement officers in this country, we have to level the playing field. They are not God.

There's a person in this country who took an oath to uphold the constitution of this country, and he couldn't account for 18 minutes in the tapes. You remember, Richard Milhouse Nixon. And if you can't trust the President, how can you trust all the police?

Some of them are great people, but some of them are the rotten apples that people spoke about, and those rotten apples and the people that do those cartoons should be polygraphed.

Thank you.

Rabbi Agin. Thank you for being with us.

#### Statement of Chester Haroch

Mr. Haroch. Chester Haroch. You've got my card there. I waited here 7½ hours to speak. I checked with him a couple of times and with the other guy a couple times. Can I speak, please?

Rabbi Agin. Go ahead.

Mr. Haroch. Chester Haroch, president of the Tampa Bay Number One Enterprise Corporation and president of the American Political Party.

I hope this U.S. Commission on Civil Rights gives me the right as an American and not cut me off after 3 minutes, but I'm skipping half of my speech that I wrote for you.

Chester, to the Number One U.S. Commission on Civil Rights, just a speech dated October 24: October 17, November the 12th, November the 14th, November 26th, 1996, November 26, 1996. Chester Haroch gave a note to the mayor and city council to speak for the second time.

I'm giving you all these here speeches that I made. I'd like to have your address, Doctor, as I'm looking for a doctor over and I can't find a doctor in St. Petersburg—dated—and this note I asked the mayor and council to include Chester in the task force concerning two riots in the City of St. Petersburg, north and south St. Petersburg.

It's a safe place for all and not the few to have a better life, liberty and a pursuit of happiness.

December 3, 1996, Chester slept from 8:00 a.m. till 11:00 p.m. Why, why, why did I get up this time? The reason is that God guides me every day in what I do for all the people in the world to

believe in God and not the devil and his 30 pieces of silver, which creates crimes, drugs, and the corrupted elected and appointed officials, in the city, county, State, and Federal Government, not only in America, but around the globe, who are selling their souls for 30 pieces of silver.

December 3rd, 1996, at 11:00 p.m., Chester listened to Channel 35, local people—got number one U.S. Commission on Civil Rights, who gave both sides of their views. Good and bad, and this Commission did listen to their 3-, 6-, 9-minute speeches.

God bless this Commission on Civil Rights for listening to all sides and not a few sides, in hopes that we can all work together instead of being divided for better life, liberty, and pursuit of happiness for all and not a few, and not only in America, but around the globe with jobs, jobs, jobs for all human beings, which are work and always be—by Chester's view, given to the St. Pete City Hall, which would not—taxpayers' funds, wastefully spent by elected and appointed officials around the globe.

Let's make America number one around the globe in helping not only USA citizens but around the world. We have today all human beings to believe in God and not the devil.

Rabbi Agin. Time.

Mr. Haroch. My 2 minutes are up. I'd like to give you people the speeches to send to my doctor.

Rabbi Agin. Fine.

Mr. Doctor. What about the gentleman over here? Come on up. I know you were here. Yes, sir. Send it to me.

Mr. Doctor. Thank you, sir.

#### Statement of Charlie Boatwright

Mr. Boatwright. My name is Charlie Boatwright. This problem we have in St. Petersburg, and we've got lots of them, but it's not just a black problem.

We have problems throughout our city. Code enforcement was mentioned briefly yesterday and tonight it was mentioned again. Code enforcement has been a problem for many years. Certain parts of South St. Petersburg look like a war zone. This didn't happen overnight. It took years and years of neglect.

In 1989 I became aware of major problems in code enforcement. Cases were being closed before compliance. Records were being falsified. We had either selective enforcement or no enforcement at all, and that still is prevailing today. When I voiced my concerns to city officials, they did nothing. City council did nothing. Finally in 1991 I took my concerns to Mayor Fischer, and he in turn did nothing.

In 1992 we had a new city manager, Mr. Norman Hickey. He listened and he responded. He ordered an internal audit, which showed my

allegations were true, citywide, code enforcement was really gone to pot. Shortly thereafter Mayor Fischer was elected strong mayor, and our city manager was out. In 1993 I took my concerns about codes back to Mayor Fischer again, and he still did nothing.

At that point I started a police investigation of codes department, which led into other areas and other departments. I gave Mr. Doctor a copy of this 63-page report. I hope he will share with you. It tells a good story.

When I started the investigation which led into other areas of city government, in July of 1993 Mayor Fischer ordered Chief Stephens to stop this police investigation.

I'd like to finish this if I could. It won't—I've been up here 2 days.

Mr. Doctor. How much longer is it?

Mr. Boatwright. This page and this page right here. I'll be—

Mr. Doctor. Can you summarize it in a minute?

Mr. Boatwright. I'll go fast. Mayor Fischer ordered Chief Stephens to stop this investigation. It seems that too much dirt was surfacing. This investigation, a 63-page report, shows evidence of selective code enforcement, falsification of city records, unethical hiring practices, sexual harassment, misappropriation of city funds, coverup, gag order from upstairs, in regards to construction of the dome, special favors for friends, gambling, using city fax machines on city time.

I took this evidence to the State attorney, Bernie McCabe. He did nothing. So then I went to the U.S. Justice Department. Here's a letter from McCabe. You've got a copy of that too. Here's one from the U.S. Justice Department asking the State attorney to investigate this because it warranted further action.

McCabe's office refused to do so.

Since then I have been intimidated by code employees, falsely accused, denied public records, escorted from the public building on December 7 under the threat of being arrested for requesting public records.

The problem with St. Petersburg is that people who run our city, Mayor Fischer and council, never listen to our citizens. They only play to special interest groups. There's a double standard in this city and always has been. Our laws and rules should apply to each and every one alike, black, white, rich or poor.

I'll cut it short.

Dr. Berry. That was 4 minutes. That was two buzzes.

Mr. Boatwright. Well, I hope you read all this.

Mr. Doctor. I have it already. Thank you all for coming. And let me also, Mr. Chairman, if I may for the record, I'd like to thank the city for all of the courtesies that have been extended to us. We certainly appreciate them all. Thank you very much.

[The proceedings concluded at 8:37 p.m.]



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