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U.S. COMMISSION ON CIVIL RIGHTS
THE 1997 CIVIL RIGHTS LEADERSHIP CONFERENCE

The Connecticut Advisor Committee
to
the U.S. Commission on Civil Rights

Held before:

Dr. Neil Macy, Chairperson

Ms. Maritza Tiru

Dr. Jack Hasegawa

Mr. Michael P. Kaelin

Ms. Margery L. Gross

Dr. Ivor J. Echols

Dr. L.B. McKenzie-Wharton

Mr. Patrick Johnson, Jr.

Fernando Serpa, Eastern Regional Office

Taken before Kelly A. Hickson, a Notary
Public/Stenographer in and for the State of Connecticut, at
the Naugatuck Valley Community-Technical College,
750 Chase Parkway, Waterbury, Connecticut, on
November 13, 1997, commencing at 9:12 a.m.

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1 (The conference was commenced at
2 approximately 9:12 a.m.)

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4 THE CHAIRMAN: Good morning. My name is Neil Macy.
5 I am chairman of the Connecticut Advisory Committee of the
6 United States Commission on Civil Rights. Welcome to the
7 second day of our hearings relative to certain issues dealing
8 with civil rights of the people in Connecticut.

9 I want to take this opportunity, first of all, to
10 introduce to you the members of the Civil Rights Connecticut
11 Advisory Commission who serve with me. I'll start from my
12 farthest right, Dr. Ivor Echols, Mr. Patrick Johnson. We have
13 with us from Washington, D.C. -- our regional director,
14 unfortunately, was unable to make it today, and with us is our
15 replacement, Fernando Serpa. Also with us is Jack Hasegawa
16 and Michael Kaelin. The vice chairperson of the Commission
17 for Connecticut is Lou Bertha McKenzie-Wharton, and on my
18 left, who will be moderator of today's program, is Margery
19 Gross.

20 The format for the program, if you have not gotten a
21 copy of the program outside, is that the panel will make a
22 presentation first. The members of the Commission may
23 question some of the panelists, and then it will be open for
24 questions from the audience.

25 Without taking any further of your time, I'd like to

1 introduce to you Margery Gross, as moderator of this session.

2 MS. GROSS: Thank you very much, Neil. Police
3 misconduct and improvement of police community relations has
4 been --

5 THE CHAIRMAN: Oh, excuse me. I forgot to introduce
6 somebody who is more important than any of us, because had he
7 not given us the privilege of coming here, I don't know where
8 we would have held this session. So Dr. Richard Sanders is
9 president of the Naugatuck College. I'd like to have him --
10 let us introduce him and give a few words of welcome.

11 Dr. Sanders.

12 DR. SANDERS: Thank you very much. I'm sure you
13 would have found a place somewhere if you hadn't found this
14 place. I was not here. I know you know this college pretty
15 well because you found your way in here yesterday, and I was
16 in Wisconsin, so I just got back. It's a little awkward; I'm
17 giving you a welcome, and you're either welcome or not
18 welcome, depending on how we treated you yesterday.

19 Let me tell you a little bit about the college for a
20 few seconds. Naugatuck Valley Community-Technical College is
21 one of twelve community-technical colleges in Connecticut.
22 The mission of this college is to provide transfer education
23 for the first two years, freshman and sophomore levels, for
24 the students of this area, to provide career education for
25 people who want to get jobs, people who have jobs, people who

1 want to improve their skills on their jobs, people who have
2 lost their jobs and want to retrain for a whole variety of
3 career areas.

4 It's a college that provides continuing education
5 and community service to this area. We provide training for
6 businesses and industries, and that's our mission of this
7 institution. Like many forward-looking colleges, we have gone
8 on record as indicating that this is a learner center/college,
9 which means that we focus on the person who is here taking
10 classes, the citizen who is here taking noncredit classes, or
11 the person who is here attending meetings, such as you are
12 today, or anybody that might come here for a cultural event.
13 We see the focus on learners and the outcome of those learners
14 as our main task, which is unlike the way we've been for a
15 number of years. It took some study, consideration, and
16 deliberation on the part of our faculty and staff to make that
17 philosophical shift.

18 In addition to that, it is our mission, we believe,
19 to promote civil rights, to promote political, economic, and
20 social equality, to teach that in the classroom, to
21 demonstrate it by the way we treat one another, to provide
22 opportunities for conferences and events that challenges
23 people's thinking, to demonstrate by the way we hire people
24 and the work force that we have that we are committed to equal
25 employment opportunity, to deal with inevitable problems or

1 grievances or complaints that people have in a way that makes
2 sure that things are settled in a right way and that equality
3 is done. We believe it is part of our mission to host
4 conferences of this type.

5 This institution is an open-door college; anybody
6 can attend here if their high school graduating class has
7 graduated. Even if they haven't, they can take credit or
8 noncredit classes. This provides access to a whole wealth of
9 people that, in most cases, may not be going to college at all
10 if it weren't for community-technical colleges in this state;
11 not just this one, but the other eleven also.

12 That brings about the diversity in our student
13 body. We have and we celebrate the diversity that we have in
14 terms of race, in terms of ethnicity, in terms of national
15 origin, ability, disability. Probably 300 students in this
16 college have either a learning disability or a physical
17 disability, and we're virtually access -- completely
18 accessible. There are a couple of spots -- don't tell anybody
19 -- that you can't get to in a wheelchair, and we're
20 correcting that. This campus was built recently enough that
21 people can get to most places on this campus.

22 So that's the kind of a college we are, and our work
23 force is increasingly becoming diverse in the same way, and
24 we're very, very proud of what we're doing. Have we gotten to
25 where we need to be? Have we finished the job? Have we

1 reached the ultimate? No, I don't think anybody ever reaches
2 the ultimate; but we're moving in the right direction, and we
3 have the intention to get to where we need to be.

4 It is only logical that we would host a conference
5 of this kind; it's part of our mission. We welcome you here;
6 you can come back anytime you need to, and we'll do the best
7 we can to make your day profitable. So one day late, welcome
8 to Naugatuck Valley Community-Technical College.

9 THE CHAIRMAN: Thank you, President Sanders.

10 Through another oversight, I forgot to credit the
11 person who helped us really get this college for our hearing,
12 and also to help prepare the goodies and everything else that
13 are available. She's a valued member of our committee; it's
14 Maritza Tiru, who is sitting in the back of the room. Thank
15 you, Maritza.

16 MS. GROSS: Okay. I started saying that I've been
17 interested in this subject for at least 25 years, because at
18 that time, I was staff of an organization that had David Dirk
19 (phonetic) as a board member. For those of you who don't
20 remember, David Dirk was Serpico's partner. Serpico recently
21 gave testimony in New York, asking for a civilian review
22 board, one of the issues that I assume will be addressed today
23 by some.

24 I'll be interested to know what our panel members
25 think of civilian review boards and how independent they

1 should be and whether they should exist or not in Connecticut
2 as well.

3 I assume that Joe Grabarz, who is the executive
4 director of the Connecticut Civil Liberties Union and formerly
5 on the judiciary committee in the legislature, will give us an
6 overview of the rights of citizens and police and the trends
7 in police misconduct, as seen from the Civil Liberties Union
8 standpoint, as well as a general view.

9 Chief of Police Kenneth Cruz, who is the police
10 chief in Guilford, my hometown -- so I have known him slightly
11 and can only speak well of him, not only from my own
12 standpoint, but from the observations of the citizens of
13 Guilford -- he was also formerly the chief of the State Police
14 Officers Association. I may not have the name exactly right.
15 So he's well qualified to look at problems and solutions from
16 both the local and state perspectives, and can tell us how
17 policies are made.

18 We also have with us Lieutenant Sam Beamon, who is
19 -- am I allowed to say? -- second in command of the juvenile
20 division of the Waterbury Police Department and also active in
21 the police union, and will give us more of a rank-and-file
22 viewpoint.

23 I hope that Reverend Price -- we expect Reverend
24 Price to be here later. He is with the Coalition of
25 African-American Unity, and we hope to see him.

1 I will turn the meeting over now. Would you like to
2 speak first, Joe? The format is for the speakers to speak for
3 about 15 minutes each. They can question one another then,
4 and then the committee will have questions for them.

5 MR. GRABARZ: Thank you, Marge. Good morning.
6 Thank you. As the director of the Connecticut Civil Liberties
7 Union for the past two years, I had a somewhat startling
8 discovery that police abuse and that the control of police
9 authority over civilians was actually a much larger problem in
10 Connecticut than I ever imagined.

11 There isn't a week that goes by that we don't
12 receive several complaints or calls from someone in the state
13 of Connecticut saying that they were in some way involved in
14 an incident in which the abuse of police powers occurred.
15 These occur in many different forms. We've seen, in
16 particular, over the past year, past year and a half, the rise
17 in incidents of police stops based on racial identity.

18 This is a situation that's occurred in Connecticut
19 for a long time, the most famous situation in case being an
20 actual written policy that the police department of the town
21 of Avon had, which assumed that there was reasonable cause to
22 stop someone driving through the town of Avon if they weren't
23 white.

24 We at the Civil Liberties Union had a case last year
25 in which, as in many towns in Connecticut, the state police

1 act as the law enforcement authorities within that town. The
2 system is called resident state troopers. The resident state
3 trooper in a particular town in Connecticut, based on an
4 encouragement from the chamber of commerce which had done a
5 study saying that more people coming from the Mashantucket
6 Pequot Casino would stop in and do business in their town if
7 there weren't the presence of a number of teenagers on the
8 street, based on that study and with the encouragement of the
9 local authorities, with pressure upon them from the business
10 community, the resident state trooper began enforcing a more
11 than 100-year-old loitering ordinance. The manner in which
12 they did this was solely against teenagers; they were
13 identified specifically by their age. The law was used as a
14 form of harassment.

15 Whenever the students left the school and traversed
16 down the main street of this town, they were stopped, they
17 were questioned; and on several occasions, they were pulled
18 into alleys and pushed against the wall. On one occasion,
19 they were physically searched and asked to remove articles of
20 clothing.

21 Shopkeepers were informed not to let them do
22 business there, and they cooperated in the distribution of a
23 pamphlet which mocked the children, some of them, and several
24 of them specifically by name.

25 When we complained to the town authorities on behalf

1 of the students, and specifically about the behavior of two
2 particular officers, what occurred next was really for any
3 citizen in Connecticut pretty horrifying, but most
4 particularly for a teenager.

5 The police department -- well, first of all, we
6 contacted the FBI, which opened a file; they spent a short
7 amount of time talking to me, I think talked to one, perhaps
8 two students, and then closed the file. The state police
9 conducted an internal investigation, which, coincidentally
10 enough, was conducted by an officer who was based in the same
11 barracks as the two officers we were complaining about and,
12 indeed, had worked with them in another situation. Of course,
13 the internal affairs investigation resulted in an exoneration
14 of the police officers.

15 During that investigation, based on depositions that
16 we had taken of these teenagers, the police officers doing the
17 investigation called the teenagers into automobiles -- after
18 they had observed that their parents, in one particular
19 situation, had left the home; in another situation, they
20 followed the teenager to another person's home -- in the
21 evening and brought them into an automobile. There was a
22 unidentified person sitting in the back seat in the dark.

23 For half an hour, in this automobile, they
24 questioned this teenager. She was absolutely frightened; she
25 had been someone who had already been harassed by the police

1 department through our original complaint. She was asked to
2 sign a statement, which, coincidentally enough, had been
3 pretyped and was available in the unmarked automobile at that
4 moment.

5 The officer took out the statement, she signed it,
6 and then this officer arrested her for perjury, based on
7 differences in that statement and her original deposition from
8 us, which was included in the original complaint. Finally,
9 and just recently, after a year of wrangling with the Town,
10 its insurance company, the state police and the local
11 authorities, we were able to extract not only somewhat of an
12 apology from the Town, but a payment for the violation of
13 their civil rights.

14 It was an enormous process. It took a herculean
15 effort, one in which no one who didn't have a substantial
16 amount of money could have gone through it. We, of course,
17 represent all our plaintiffs for free, so we were able to do
18 that. We were able to convince an attorney to volunteer for
19 us.

20 It essentially took four attorneys a year of -- a
21 considerable amount of time and intense effort, including our
22 own private investigation, to be able to bring this to a
23 conclusion. It was a kind of violation that doesn't rise to
24 the level of a federal civil rights violation, in the sense
25 that the damages were great enough or high enough that it was

1 worthwhile to bring that kind of an effort; but it was that
2 kind of mid-level advocacy that, for the average person, would
3 have been impossible.

4 We have, at the Connecticut Civil Liberties Union,
5 along with several other organizations in the state, been
6 advocating in the past ten years for a series of reforms
7 around the civilian monitoring of police activities and around
8 remedies for instances of abusive police powers.

9 Now, when I say this, I'm not talking about the
10 average policeman. As a matter of fact, I'm not talking about
11 almost all policemen. I have, in my own personal life -- and
12 as I'm sure many people here -- have had the experience to be
13 incredibly benefited by the services of police departments in
14 time of need.

15 What we're talking about is that errant police
16 officer, that errant person who holds police authority or an
17 ability within the state of Connecticut, that one person who
18 got through the system, who got through training or perhaps
19 has reached a point of personal crisis in their own life, who,
20 for whatever reason, has the ability because of their police
21 powers to exert an enormous influence over other people's
22 lives, perhaps inappropriately.

23 We're talking about that one person who escapes the
24 scrutiny of their superiors in the performance of their duty.
25 We're talking about that one person who can shade, in the

1 public's view or in the minds of a whole segment or class of
2 people, the view of all police officers, and that's
3 unfortunate. It's the kind of officer whose performance
4 stains the performance of all of the many, and most, good
5 people who perform those kinds of protective services for us
6 and helpful services for us every day, the kind of person that
7 needs to be identified and pointed out.

8 Too often in Connecticut we've seen when those kinds
9 of situations arise, when that kind of person surfaces or
10 performs some kind of -- or is involved in some kind of
11 incident which goes beyond, or illegally performs their duty,
12 the kind of support that, to be frank with you, occurs in
13 several other professions as well, the thin blue line. It's
14 the kind of universal support that we've seen in certain
15 departments for people who don't perform their jobs well, but
16 who are, quote/unquote, "one of us."

17 Those kinds of individuals can shade and ruin the
18 relationship with whole communities, with other good police
19 officers. We need, in the state of Connecticut, some kind of
20 system that can better deal with that; and, certainly, the
21 first line, the first point of advocacy is that there are
22 adequate training programs throughout the state.

23 I must say that police departments in the state of
24 Connecticut, not as a whole, but several in particular, have
25 done a tremendous job over the past decade in improving their

1 training, but that's not universal.

2 Secondly, there is a lack of a mechanism for
3 civilian review of police authorities in the state. Many
4 police departments in the state, including some of our largest
5 cities and towns, have no civilian oversight, have no group of
6 civilians who monitor police powers, in general, or review
7 individual situations, in particular.

8 We need a law in the state of the Connecticut which
9 would require towns and cities and organizations that have
10 police power to also have complementary civilian review.

11 Secondly, a tremendous advancement in the review of
12 police powers and a way for citizens to complain about that
13 errant police officer or person with police authority would be
14 to enhance the power of the state's Attorney General's office
15 to include the civil rights division which collects statistics
16 and monitors complaints and incidents of police powers abuse.

17 That authority should also include the authority to
18 join in suits and to bring suits against individual officers
19 or departments where there are patterns of abuse. That
20 authority does not now exist. Former state's attorneys and
21 judges in the state of Connecticut have appeared publicly
22 before the legislature to advocate for this over the past
23 decade. It has not been done, and it should be done.

24 Third, we need, of course, enhanced federal powers
25 so that the United States can join in individual suits against

1 the abusive police powers; and that should also be concurrent
2 with the state of Connecticut. That power does not exist now
3 and it should.

4 We've seen that all too often, when the United
5 States Justice Department does not function properly, that
6 there is a complete lost remedy on the federal level, and that
7 needs to be reviewed and looked at.

8 Another area -- and I think we're up to four --
9 should be the review, which is currently in the legislature
10 now, of police-pursuit policies. There is no standard police
11 pursuit policy for the state of Connecticut. Each individual
12 department determines their own. Some departments have
13 excellent policies, and those policies are followed; others do
14 not, and that needs to be reviewed as well.

15 Next, the state of Connecticut needs a group of
16 civilians, people who understand policing powers and the
17 effects, both positive and negative, that they can have on
18 individuals and groups. Those people need to be part of a
19 panel that reviews state police actions as well. That
20 currently does not exist.

21 That kind of panel, currently, in Connecticut would
22 serve as another outlet for people to be able to complain to
23 when a situation of abuse occurs, without having to go to the
24 person they're complaining about to make the complaint. A
25 tremendous number of complaints never get made because people

1 are afraid to make them and, frankly, when someone calls the
2 Connecticut Civil Liberties Union with that concern, I have to
3 agree with them.

4 I'm not so sure that there's any place in
5 Connecticut today that I would recommend a citizen go other
6 than the courts, with a complaint about an individual police
7 officer or pattern of conduct within a department.

8 I think that with some of these reforms, we can
9 create an atmosphere in Connecticut of cooperation between
10 policing powers and citizens, instead of one which exists in
11 several places in Connecticut, in particular, of apprehension
12 between the people who are instructed and given the authority
13 to protect us and provide for our public safety and those who
14 need that service.

15 Just, I guess, as an afternote, there are and is and
16 does exist in Connecticut now the power for grand juries, but
17 that is so, so infrequently used -- as a matter of fact,
18 hardly ever -- that it essentially is moot. We just saw the
19 governor call for a grand jury in an incident in New Haven,
20 and without commenting on that individual incident, the outcry
21 by those who would be reviewed by this was frankly surprising
22 to me, particularly because it's a power that's used so rarely
23 and so extremely. In fact, it's one in which even the
24 governor had to call to ask for. So perhaps that ability
25 needs to be reviewed as well.

1 This is where I think we stand in the state of
2 Connecticut. I think that we're fortunate. There are other
3 jurisdictions in the United States which have a problem much
4 greater than we have; but as long as we do have a problem, I
5 think we have an obligation to look at it, and it's been a
6 long time since the legislature in the state of Connecticut
7 has taken this question and issue seriously. Thank you.

8 MS. GROSS: Thank you, Joseph. Let's next hear from
9 Police Chief Cruz and get his view of things.

10 CHIEF CRUZ: Good morning and thank you for having
11 me here today on such an important subject matter. Let me
12 begin by saying that all types of misconduct exist in
13 policing. There is no secret to this. It comes in a wide
14 variety of forms; sometimes it's easy for us to see it, other
15 times, it's not. It involves such things as money, drugs,
16 brutality and bigotry; bigotry directed at brother officers as
17 well as ordinary citizens.

18 The most insidious type of misconduct, in my
19 opinion, is the type of misconduct which accompanies
20 accumulation of power, dealing with information for the
21 purpose of hurting others, police officers who become obsessed
22 with protecting themselves and not the community.

23 But to put this into perspective, let me tell you
24 that statistically, we're talking about less than one percent
25 of the entire police profession. I'm talking about federal,

1 state, and local. If you're going to ask me, Doesn't that
2 mean that we catch one percent of the dirty police officers,
3 and the vast majority of them go unchecked? The answer is
4 no.

5 In my opinion, most police officers are dedicated,
6 hard-working individuals. I'm here to tell you that all of us
7 are aware of the Malik Jones case, and the officer involved in
8 this incident was justified in his actions, no matter how
9 tragic the case. I'm sad that the relationship between the
10 police and the public has so far disintegrated that rational,
11 informed discussion seems to be impossible.

12 Being aware of this problem of misconduct, the
13 process by which we select police candidates is rigorous and
14 meticulous; and I don't know of another profession that makes
15 so many demands so early on. For example, we test for basic
16 academic skills, particularly writing, math, logic and
17 communication. We administer psychological exams to eliminate
18 potential problems. We administer physical fitness tests, we
19 conduct interviews and assessments, and we also conduct
20 extensive, extensive background investigations.

21 In fact, I was mentioning to one of my colleagues
22 earlier that we look for saints in a society made up of a lot
23 of Satans. We then put these individuals to a training
24 program of approximately 586 hours, which includes components
25 designed to assist young officers in understanding the

1 diversity of people and the cultures that await them.

2 Having said all of this, having defended the men and
3 women that I have worked with for the past 29 years, I want to
4 tell you in all candor that there is an "us" versus "them"
5 mentality, that during periods of stress in the community may
6 degenerate into a bunker mentality.

7 Obviously, none of us wants that. Just as we need
8 to remember that American citizens have rights, not the least
9 of which is to be treated with dignity and courtesy, it is
10 also important for you to remember that you ask us to do a job
11 that you yourselves don't want to do. You ask us to keep your
12 neighborhoods safe in what has become a very dangerous and
13 violent world. You ask us to take down the dangerous and
14 violent criminals that menace you and your families.

15 For all of the obvious reasons, we're not always the
16 most popular of people. We're the targets of uninformed
17 accusations sometimes because what we do involves human beings
18 in messy and disordered situations on both sides of the thin
19 blue line. People don't understand what we do, and all too
20 often, we either cannot or simply do not take the time to
21 explain.

22 Having said these brief remarks, I'm anxious to
23 discuss the subject matter this morning; and I certainly look
24 forward to answering any of your questions and, certainly
25 commenting on Mr. Grabarz's remarks. Thank you.

1 MS. GROSS: We'll give you an opportunity to do that
2 as soon as we've heard from Lieutenant Beamon, Samuel Beamon.

3 LIEUTENANT BEAMON: Thank you very much for having
4 me. My name is Sam Beamon. I've been a police officer for
5 the last 27 years here in the city of Waterbury. A little bit
6 about myself: After I graduated high school, I went into the
7 Marine Corps, and I graduated from the University of Vietnam.
8 I am a veteran, and I have seen injustices done.

9 Once I joined the police department, I became the
10 first black sergeant in the history of the city of Waterbury,
11 and the first black lieutenant in the history of the city of
12 Waterbury; and this conference is a little bit of a
13 double-edged sword because I work very closely with the CCLU
14 in our lawsuit that one of my fellow officers brought to
15 rectify some of the injustices that were occurring in the
16 Waterbury Police Department.

17 I've also served on boards for the state of
18 Connecticut, including alternative sanction for juveniles and
19 youth. I serve on the juvenile review board for the city of
20 Waterbury and also on the board of directors of the Boy's
21 Club.

22 Now, from being born and raised here in the city of
23 Waterbury, there isn't too much that goes on that I don't
24 know. In regard to police misconduct, I want to start out
25 with a little of a history lesson. The United States is a

1 multiracial, multiethnic society. It's made up of people from
2 all over the world.

3 When the forefathers came to this country, they
4 brought with them their prejudices. These prejudicial ideas
5 are not inherited, but are taught from generation to
6 generation. Minorities are always broken down as blacks,
7 Hispanics, Orientals, or Indians. The so-called majority is
8 referred to as whites.

9 It is only broken down when there's a problem in
10 their homeland, such as Irish-Americans, Franco-Americans,
11 Italian-Americans; but they're not referred to as Americans of
12 Italian decent or Americans of French decent. There's no such
13 thing as a white American. Every ethnic and racial group that
14 has come to this country has suffered from discrimination, the
15 Irish against the Italians, the English against the French,
16 and all of them against the Indians, only because there were
17 differences.

18 These differences have been carried on for centuries
19 by wars and other social unrest. Why they are permitted in
20 this day and age, I don't know. No one wants to hear about
21 the Native American, the Indians and their problems. When the
22 English arrived, they discriminated against the Indians and
23 did not try to understand their culture because they were
24 different.

25 The American is of the white race, the black race,

1 the yellow race, the red race; they're all Americans. In
2 other countries, an American is regarded as an American,
3 regardless of their racial or ethnic background. We are
4 always taught to divide ourselves into separate groups through
5 schools, home, and society itself.

6 In the media, talking about radio, television, news
7 publications, the events of the day are always broken down
8 with racial and ethnic overtones in the reporting: Blacks in
9 England and their injustices, our own civil rights
10 disturbances during the '60s and '70s. It's always blacks
11 against whites, Hispanics against whites, or black or Spanish
12 against Jewish citizens.

13 These simple statements enhance racial tension
14 throughout the cities and the country as well, and it distorts
15 the realty of life. Changes to these ideas will not come
16 overnight or open up the eyes of people to the fact that there
17 is no such thing as a master race, as spoken by Hitler, and no
18 race is superior to the next.

19 Equality is the answer, the status by which an
20 individual is judged by his or her ability, without
21 reservations to their race or ethnic origin, the treatment by
22 society in which an individual lives in equal treatment under
23 the law and by law enforcement officials.

24 The police officer is seen by the general public as
25 a living symbol of authority: the uniform, the badge, the

1 gun, the nightstick. These are symbols that separate the
2 officers from the rest of the population. People do not like
3 to be told what to do and what they can't do. People do not
4 like authority.

5 The police officer can mold the public's attitude
6 through his or her daily tour of duty. The police officer is
7 judged every day through his appearance, knowledge of the law,
8 the ability to enforce the law with reason and effectiveness.
9 The officer must also have respect for people, their rights
10 and property.

11 The general public usually has very little contact
12 with the police. A single contact may build or destroy the
13 image of how the individual sees the department as a whole.
14 The police officer's attitude means everything, from issuing a
15 summons to an arrest to providing a service to the community.

16 The police officer must be able to show willingness
17 to make contact with the public in a nonenforcement role.
18 Here, we start talking about community policing. The officer
19 has to develop a rapport with members of the community that
20 they are serving and keep an open mind toward people. Do not
21 lump a part of society together from what has happened or what
22 has been rumored to have happened.

23 For example, all Italians are not members of the
24 Mafia, all white people do not hate black people, all
25 Hispanics are not lazy and do not speak English, all Irish are

1 not drunks, all blacks are not on welfare, and so on and so
2 on. Everyone has their prejudices and their preferences, but
3 there's no room for it in law enforcement.

4 The symbol of law enforcement is a blind lady of
5 justice and the officer's attitude must be the same in
6 enforcing the law. This must be practiced every minute of
7 every day while on duty and enforcing the law. No one is
8 perfect, but these feelings must be suppressed to give
9 everyone equal treatment under the law.

10 Police officers interact with people at times of
11 stress and emotional crisis. They must learn to use time,
12 patience, and tolerance in dealing with these situations.
13 This is the importance of their training. A police officer is
14 not born, but is developed through their training through the
15 academies.

16 The officer has the ability to calm a tense
17 situation or have it blow up in his face. Every action that
18 is taken by the officer is being examined by the public for
19 any signs of prejudice, or even the tone of the officer's
20 voice. It is very important to treat members of all minority
21 groups with the same professional curtesy that the majority
22 would expect.

23 The police officer must avoid using insulting terms
24 or name-calling. The use of ethnic slurs by an officer
25 usually is met by a strong resentment by the people that he is

1 dealing with. No matter what the problem or service they were
2 called upon to perform, it becomes secondary in the importance
3 of the attitude of the officer.

4 Being a police officer, we are members of the
5 smallest minority in the country: the men and women in blue
6 with a badge. We need the help of the public to do our job.
7 Police officers are not robots; they are made up of human
8 beings. They are a reflection of the community that they
9 serve.

10 There are abuses that do take place, and they should
11 be dealt with quickly and fairly. The actions of one bad
12 officer is reflected upon all officers. Everyone makes
13 mistakes, but when we make one, it affects everyone: the
14 press, the community, the city at large. We take the
15 pressures every day and are held to a higher standard.

16 We deal with people at their worst. We deal with
17 emergencies. We make life-and-death decisions and instant
18 reactions to situations. Society has given us that privilege,
19 but we do not try to abuse that privilege. There are
20 situations that arise and individuals that abuse the
21 privilege, and they should not be police officers.

22 They are few and far between; the vast majority are
23 highly trained professionals. A forum such as this might help
24 us to identify some of the problems that we face, and correct
25 them. Thank you very much for having me.

1 MS. GROSS: Thank you very much. I'd like to take
2 the prerogative of asking a couple of questions before turning
3 it over to the committee.

4 Joe, I understand there's some sort of legislation
5 that's been proposed a few times in the state legislature to
6 establish police and community relations groups; is that true,
7 or do you know anything about it?

8 MR. GRABARZ: Yes. Actually, at just about every
9 legislative term for the past ten years. Last year, there was
10 a bill; I actually had a difficult time supporting it because
11 it would have created a statewide elected, regionally elected
12 police review panel. I've seen in other jurisdictions, when
13 you put something as volatile as police authority into an
14 elective situation, you quite often don't get the intended
15 result. I don't think that last year's bill was crafted that
16 well, and, actually, it didn't go that far.

17 There has been some form of police review proposed
18 almost every year for the past ten years; some years, it gets
19 out of committee. On one or two occasions, there's even been
20 some kind of a vote on it, but it never really goes that far.

21 MS. GROSS: You don't seem to think it would be that
22 helpful?

23 MR. GRABARZ: I actually think it would be very
24 helpful. I think we need to be careful how a bill like that
25 is crafted. For example, in some jurisdictions, the

1 appointments onto the board simply serve as a rubber stamp; in
2 other jurisdictions, the appointments of the board are such
3 that the people who get on are only people who are looking to
4 persecute police officers. That's not good either.

5 What we need is the kind of a panel with the kind of
6 appointed authority to it that will lend credibility so that
7 when an officer is unfairly accused, they can review the
8 situation and restore that officer's good name; and, likewise,
9 when an accusation is made, whether it's popular or unpopular,
10 they can investigate and determine whether there's been some
11 kind of an abuse or a denial of civil rights in some case.

12 I think that we do need a panel. We definitely do
13 need some kind of a panel, particularly a greater civilian
14 review panel over state police authority, but we need to be
15 careful who has the appointing authority.

16 MS. GROSS: Do either of you wish to comment?

17 CHIEF CRUZ: Oh, I certainly do. Historically,
18 civilian review boards have not worked. We've seen them tried
19 in many locations, cities, towns; they just haven't worked.

20 Rather than look at that in the state of
21 Connecticut, I would encourage CCLU to look at Connecticut
22 changing the manner in which the Connecticut State Labor Board
23 reviews police officers' disciplinary actions. This is where
24 we, as administrators, have our problem. I happen to think
25 that police administrators and police commissions, who are

1 civilian review boards and they are represented in the
2 majority of towns and cities in Connecticut, have really done
3 their job in routing out the wayward few officers; but we have
4 had a tremendous, tremendous problem at the Connecticut State
5 Labor Board in getting them to uphold their discipline.

6 As a matter of fact, I have said that if Jack the
7 Ripper was around and he belonged to a labor union, the
8 Connecticut State Labor Board would ensure that he would have
9 a job. I would rather see the emphasis be placed there
10 because I happen to think we have a pretty good record of
11 getting rid of these people.

12 I don't know of any police chief or police
13 administrator that wants a dirty cop, who wants an abusive cop
14 in their department; and to say that we need some outside
15 force to ensure that, to me, it's just not consistent with our
16 policing values and our code of ethics.

17 Secondly, I really have a problem with trying to
18 determine, under that format, who is going to conduct the
19 investigation? I mean, today, many of our internal
20 investigations, if we're looking at both possibilities of
21 criminal and internal ramifications, we have to have two
22 separate investigations to ensure that individual
23 constitutional rights are not infringed upon.

24 I find myself on the phone -- I know when we're
25 conducting one, I'm on the phone to legal counsel constantly,

1 making sure we are not straying too far in one direction or
2 the other. I don't know where you get these people to conduct
3 these investigations and ensure employee rights. As a
4 manager, I still have to emphasize that I respect employee
5 rights and, certainly, constitutional rights.

6 If we're having difficulties, as trained
7 investigators, in ensuring that, I don't know how you bring
8 out people who are not familiar with these laws and conduct
9 proper, thorough, and unbiased investigations. That's why I'm
10 opposed to civilian review boards and I'm satisfied with the
11 manner in which we are investigating the subject at the
12 present time.

13 MR. GRABARZ: I would just say I understand the
14 chief's frustrations, particularly with the State Labor Board
15 and the way other advocacy groups can change the shape of the
16 picture, like a labor union. But we do have licensing boards
17 and state review boards for things like hairdressers and
18 people who do your nails; from that, all the way up to people
19 who work in nuclear power plants. I don't think that it's
20 impossible. I would agree with the chief that it's difficult,
21 but that shouldn't make us shy away from what the
22 responsibility is here.

23 MS. GROSS: I would like to throw this open, now, to
24 questions by the committee.

25 THE CHAIRMAN: Let me direct this to Lieutenant

1 Beamon, first of all, and I'd especially like the chief to
2 comment. One of the problems with collective bargaining in
3 police unions, as differentiated from a teachers' union, where
4 in a teachers' union, teachers are in one bargaining unit,
5 assistant principals, principals, all the way up, are in a
6 different union.

7 In police, especially in small towns, the only one
8 that's excluded from the bargaining unit is the chief. It
9 makes it very difficult, it seems to me, for a lieutenant or a
10 captain to come out with strong disciplinary things against
11 people in the same bargaining unit. Wouldn't it be wise --
12 and maybe this is something Mr. Grabarz could comment on -- to
13 change the law so that at least two or three or four people
14 could be excluded from the bargaining unit in any police
15 force, to allow for confidentiality? I'm sure the chief has
16 nobody to speak to except God when he does an investigation.
17 That's the first question.

18 LIEUTENANT BEAMON: Yes, it's a very difficult
19 situation. We have that problem in Waterbury. The only
20 individuals that are not in the union is our superintendent
21 and our deputy superintendent. It's very difficult to try to
22 discipline a patrolman who has been written up by a sergeant,
23 and you try to work it up the chain of command.

24 I'm in the same union as the captain, as the chief
25 inspector, as the patrolman; and it is difficult for my -- who

1 is representing me? This is where I am starting to look at
2 this, where there is no one -- my own union is against me.
3 And I'm trying to bring charges against an individual. It's a
4 Catch-22 situation.

5 The only thing that can be done is, yes, there
6 should be more than one individual in the department that is
7 not involved in the union. The chief or the superintendent
8 has to have someone there alongside of him that can make
9 policy decisions and can enforce discipline. If they don't
10 have that in place, the system just breaks down.

11 It's not really a negotiated item. It's something
12 that the unions have to deal with. Some police departments,
13 your larger police departments will have an administrative
14 union as opposed to a patrolman union. Plus, you have the
15 individuals, who are not in the union, who are a member of the
16 other side of the bargaining unit.

17 To break that down into a small town, is it
18 cost-effective? I don't think so. Most of your problems can
19 be worked out while sitting down with the administration of
20 the police department. If it cannot be worked out, now we
21 have to work through the different steps of management and
22 going all the way up to the Labor Board.

23 The Labor Board is one of the places where Chief
24 Cruz was just saying that as an administrator, we need more
25 help on that level because we are imposing discipline on an

1 individual, and it's going all the way to the Labor Board.
2 It's maybe three to six months before it comes up there, and
3 then it's reversed or the punishment is deemed to be
4 excessive.

5 If we have an abusive officer, we cannot afford to
6 have that individual on the street. If he's being
7 disciplined, he's taken off of the street. Now you're paying
8 an individual to sit behind a desk doing nothing; you won't
9 let him have contact with the public. When you have an
10 officer who is committing misconduct on the road, it's very
11 difficult to get rid of that officer. I don't want him; Chief
12 Cruz doesn't want him, and there's not a chief that I know
13 that wants to have an abusive officer on the road.

14 I spoke to one gentleman yesterday, a white
15 gentleman, and he said that he got pulled over on East Main
16 Street in Waterbury. The officer explained to him that he
17 made an improper turn, had him get out of the car, and he had
18 a dog with him. He had the dog sniff the car. I think that
19 can be construed as a violation of civil rights; it's a
20 definite violation of police policy. He had no probable cause
21 to be looking in the car.

22 There are things that happen. Now, if I knew who
23 the individual was, I'd contact the supervisor and we'd take
24 disciplinary action against that officer; but how far would it
25 go? It might be a verbal warning; it might be a written

1 reprimand. I doubt there's going to be a suspension. But
2 this is one case; if he did it to one individual, I'm quite
3 sure he's doing it to a lot of other individuals out there.

4 We're not going to know who they are until those
5 complaints come forward. Then, as an administrator, you have
6 to deal with that individual, either sensitivity training or
7 increasing his training, before you even think about
8 termination.

9 Now, if he's doing that in the white community, I
10 can imagine what he's doing in the black and Hispanic
11 communities. It is a very difficult thing as far as having
12 someone in the union -- now we're getting back to that
13 question; I can go off on a tangent in a minute. Yes, you
14 should have more than one individual who is not in the union,
15 but it has to be a united front. It's not us against them;
16 it's a working relationship, just as if it was in the private
17 sector.

18 CHIEF CRUZ: It's a great question, something I feel
19 very strongly about and have for many years. For my first 18
20 years in this business, I worked in a major city; I worked in
21 New Haven, and then was lucky enough to get this job. So I've
22 worked in both large-size departments, as far as Connecticut
23 goes, and small size. That problem exists across the board.

24 To me, it's a huge conflict to have people who are,
25 by policy, responsible for supervising and administering the

1 department in the same bargaining unit as those people that
2 they are supervising, particularly in the field of policing.

3 For about three years, the Connecticut Police Chiefs
4 attempted to get the law changed. The law was originally
5 passed, I believe, in 1954 or 1956, that first recognized
6 collective bargaining for police. At that time, obviously,
7 there was never any thought but to put everybody in the
8 union. That's the way the law was written, that they must
9 belong to -- all police officers all in one union.

10 Seeing the conflict and the difficulties being
11 experienced, when I was president of the Connecticut Chiefs,
12 we attempted to propose to the labor committee of the state
13 legislature that there be a separate bargaining unit, one for
14 patrol officers and separate bargaining units for
15 supervisors. We worked on that for about three years and,
16 unfortunately, this is Connecticut and it's a strong labor
17 state, and we couldn't even get it out of committee for three
18 straight years. The association has since decided to stop
19 wasting their effort on that.

20 I think it isn't going to be long before we have
21 some more incidents. Unfortunately, us chiefs and sometimes
22 our legislators keep their heads in the sand until an ugly
23 incident happens; and then all of a sudden, they want
24 something to be done yesterday. Unfortunately, I think that's
25 what it's going to take before we realize that we need

1 separate bargaining.

2 It exists in New York, Chicago, and a lot of the
3 major cities that have strong labor unions. They're just in
4 separate unions. I know New York has a sergeant's union,
5 lieutenant's union and so forth, and I can't see why we can't
6 have it here. But labor is just -- they don't even want to
7 hear about it.

8 These are people that we entrust two-thirds of the
9 time to be our eyes and ears; and yet, you know, it's pretty
10 hard for a sergeant to say, Mr. President of my union, I'm not
11 writing you up today for violating the law; I'm sending you to
12 the chief. And then to sit there through a hearing process as
13 if he was the accused and having his union lawyer go at him as
14 if he were wrong, as most lawyers do with the witnesses -- no
15 offense, Joe.

16 MR. GRABARZ: I'm not an attorney; I would agree
17 with you.

18 CHIEF CRUZ: -- while he pays his union dues. It's
19 just an awful situation. We need to do something about it,
20 but I'm out of solutions or suggestions at this point.

21 THE CHAIRMAN: It took us ten years to get teachers
22 and principals out of the union, but don't give up yet.

23 MR. GRABARZ: I would actually agree with the
24 opinions of the other two panelists. I'm not so sure how to
25 get out of the situation. I think that, certainly, we have to

1 guarantee the right of any employee to organize if they want
2 to; but certainly, providing that right through a separate
3 bargaining unit just seems more logical to me as well.

4 I also think -- and let me go back to the
5 original -- I also think that civilian review of police
6 authority can help provide some kind of guidance in that area
7 as well. I was in the mayor's office in the city of
8 Bridgeport during a period in which there were two individuals
9 who both claimed to be the police chief, in which both of them
10 had cadres of police officers following them, who blocked one
11 or the other claimant to the throne from even entering the
12 elevator of the building.

13 The police officers were arresting each other at the
14 time, and they were all part of the same union. But,
15 certainly, over time -- it was a more political situation than
16 the average and, certainly, a very unique situation; but, at
17 least in principle, the police board in the city of Bridgeport
18 was eventually able to help the department itself and the
19 community sort through the conflict within the department and
20 restore a sense of confidence in many sectors of the community
21 in Bridgeport and the police department itself, after it had
22 tremendously embarrassed itself in this way. I think that in
23 a way, civilian review can help to address parts of those
24 situations.

25 CHIEF CRUZ: If I can, just for a minute, since we

1 went back to the question of civilian review, I don't know how
2 many of you are aware, but there's a bill pending down in
3 Washington now called the Federal Police Officers Bill of
4 Rights, and I will tell you now, if that bill passes as I have
5 seen it, you can have all the civilian review boards you want
6 in this state. We're out of business in trying to get corrupt
7 cops out of our departments.

8 Some of the language in there is, for instance, if
9 an officer is involved in a police officer shooting, we, the
10 administrators, would be prohibited from speaking with that
11 officer for three days, wouldn't be able to take his weapon
12 from him for, I think, also three days.

13 Now, you can imagine, as an administrator, standing
14 up before our clients, our customers and saying, I can't tell
15 you about this incident because I have to wait three days to
16 find out from the officer what happened. But that's sitting
17 down there, and I don't know what our federal legislators are
18 thinking about in light of what's been happening across our
19 country -- whether it's the Christopher Commission or the
20 Mullen Commission -- I don't know what they've been reading,
21 but it's not the same stuff I've been reading.

22 THE CHAIRMAN: I had another one I want to ask, if I
23 may, and then I won't ask any more for a while. One of the
24 things we had at the university -- I retired from UConn -- we
25 had what we called an ombudsman. It would seem to me that

1 every town should have an ombudsman, either elected or
2 appointed, but not responsible to any city government, to deal
3 with any possible citizen complaints. They use this, as you
4 know, in a number of countries throughout the world.

5 I would like your comments or feelings as to whether
6 this is a way that we might get over the problem of civilian
7 review boards, if we had an official of the town who was able
8 to listen to all types of citizen complaints.

9 MR. GRABARZ: Actually, that might be a good idea.
10 The problem with it being elected is that take, for example,
11 Bridgeport, since that's the example I know the best. If we
12 had an elected ombudsman, particularly for police review, the
13 same problem that the chief discussed would be present with
14 that position.

15 One of the most powerful political organizations in
16 the city of Bridgeport is the labor coalition, and AFSCME and
17 the Brotherhood of Police Officers, and the teachers and those
18 other organizations have exerted enormous political power over
19 the past decade in the city of Bridgeport. If that position
20 were up for election, then I could probably guarantee you that
21 someone endorsed by the police officer's labor union would
22 eventually be in that position, and the same thing if you had
23 it over education.

24 So I would be concerned about putting it into the
25 political realm. Obviously, you still run into the same

1 potential problem if it's appointed; but that's not always the
2 case, and I think you'd have a better chance. Having it be
3 one person, I think, perhaps limits the amount of abilities or
4 resources you can bring to any review of an individual
5 situation. Having a group of people who can do that, who can
6 bring different backgrounds or different abilities to the
7 table, I think, enhances the ability.

8 LIEUTENANT BEAMON: I must agree that an elected
9 ombudsman wouldn't work. I can speak very clearly about
10 Waterbury, but Bridgeport, New Haven, we all have politics. I
11 really don't believe that that would work. An elected
12 position, that also wouldn't work.

13 We're not talking about teachers; we're talking
14 about police officers. In each environment, we have our own
15 responsibilities. It's an entirely different line of work.
16 You just can't take an individual or a review board, that
17 doesn't have the knowledge of police procedures, policies,
18 state law, and then have them judge whether or not that
19 officer acted with malice or followed procedures. They have
20 rights also, and you're dealing with the employee rights.
21 That's one of the problems that we have.

22 There are mechanisms in place at this point in
23 time -- I can't speak for all cities; I can only speak about
24 Waterbury -- where if you have a complaint, it has to be
25 notarized if there are witnesses; that should be presented

1 also. I don't totally agree with the internal affairs policy
2 in most departments because now you're policing your own.

3 We do have the FBI; we do have the Justice
4 Department. There's different avenues to go to as opposed to
5 having an ombudsman or even a civilian review board. That's
6 my opinion.

7 CHIEF CRUZ: Well, believe it or not, that's
8 probably one area where I am in agreement with the CCLU; and
9 that is, from the material that I have read, this has been
10 extremely successful. Unfortunately, the cities that had
11 them, for whatever reason, ceased to fund the positions. I
12 know that a lot of cities, while not calling them ombudsmen,
13 are using mediation services an awful lot. It's been very
14 successful.

15 I think the real difficulty here is nobody trusts
16 government anymore, for whatever reason. I'm sure there's
17 plenty of them; I don't trust government a lot myself. But I
18 think in this area of police misconduct, if we, as
19 administrators, are able to develop a level of trust between
20 our customers and us, the service providers, it will go a long
21 way to getting these people to voluntarily come in and make a
22 complaint or discuss a problem regarding police service.

23 Many times -- I failed to mention, for three and a
24 half years I worked Internal Affairs in New Haven -- many
25 times, people would come in and they would say they have a

1 complaint; they wanted to fill out the forms and so forth.
2 After they were able to express themselves, get it out of
3 their system, it really came down to a communication problem.

4 As I mentioned before in my remarks, a lot of times
5 we just don't, for whatever reason, explain to people why we
6 do what we do. Granted, sometimes you can't. If you're
7 taking down a couple of drug dealers, you can't say to five
8 people watching, By the way, we have a warrant for this guy;
9 he's got four or five guns in his car, and so forth. But a
10 lot of other times we do things, and we just don't take the
11 time to explain it to a lot of our customers.

12 I sit back; a lot of times I shake my head and say,
13 Why would people without any thought whatsoever or any concern
14 whatsoever be willing to walk into most corporations, if they
15 received a bad product or a bad service, and yet, are
16 reluctant to do that about a policing service, which is
17 costing them a fortune in tax dollars. There's something
18 we're doing wrong.

19 I keep searching for that, and I know a lot of my
20 colleagues keep searching for that. Until we build that,
21 bridge these relationships -- and that's basically what we're
22 talking about here -- until we build these relationships a lot
23 better than we have, we're going to continue to have this
24 problem of confidence in getting people to believe that we
25 really want to root this problem out.

1 Also, I think a lot of the problem surrounds
2 employee rights, whether they be contractual rights or federal
3 employment rights; and they just don't understand it because
4 these are police officers, and they can't understand that
5 police officers have rights when they misbehave. It's a very
6 difficult balancing act for us administrators to explain to
7 the public, and sometimes I wish those federal rights weren't
8 there, because there's a lot of dirty officers I'd like to
9 kick out a lot sooner than I'm able to do.

10 MR. JOHNSON: This question is for Joseph Grabarz.

11 Joseph, you had mentioned your support of civilian
12 review boards and indicated elected boards would probably not
13 work very well. To your knowledge, do you have a specific of
14 such a board, that you described, anywhere in the country that
15 does work well? Why does it work well, and how are folks
16 appointed to that board?

17 I heard Chief Cruz say that some police commissions
18 in Connecticut are, in fact, civilian review boards; would you
19 agree with that, and do they work well?

20 MR. GRABARZ: I'm not an expert on that, so any of
21 my comments would be anecdotal. I think that the
22 characterizations that some police commissions are review
23 boards is correct. I think that it works -- well, the example
24 that I used before, in Bridgeport, the police commission
25 essentially acts as a civilian review board, mostly because it

1 assumed control at a time when there was confusion within the
2 department.

3 Over time, it helped to restore the confidence of
4 the people of Bridgeport, that they would be treated fairly
5 and professionally, and that they were being offered services
6 by a department that had been rigorously reviewed and
7 monitored. And I think that that made a great difference.

8 Part of it depends, just like on any other appointed
9 authority, on the quality of the people who end up being
10 appointed. At that time in the city of Bridgeport, the chair
11 was Reverend Jerry Streets, who is now the chaplain of Yale
12 University.

13 Reverend Streets took an enormous amount of time to
14 review and understand police practices and procedures, did a
15 lot of -- with the assistance of staff -- investigations into
16 what police practices and procedures were in other places and
17 how Bridgeport compared to that, what professional training
18 programs offered and how Bridgeport's program compared to
19 that; all the while, I think, being cognizant of the rights of
20 police officers as well.

21 So the board, over time, was able to establish not
22 only credibility with the community itself, but within the
23 department itself as well. Police officers didn't feel like
24 if they came before the board, simply because they were
25 wearing a uniform, they would be unfairly grilled or

1 finger-pointed.

2 They felt that if they came forward, that there was
3 an authority that could do something about their complaint or
4 would review the situation in which they were before them
5 fairly, and also protect them against retribution from either
6 other officers or the public.

7 It actually, over time -- and it's not a perfect
8 board and there's still complaints about the board itself, as
9 with any government authority that's bound to happen -- but I
10 think that over time, because the board itself remained full
11 of appointments that were quality appointments, people
12 developed certain expertise and practice, even though they
13 weren't police officers themselves. Some actually were
14 retired police officers, which I think contributed to the
15 board as well.

16 Police officers then felt that if someone in the
17 public did point a finger at them, or if there was a public
18 incident like the incident in East Haven, if it went before
19 the board, they would be dealt with fairly and without having
20 it be more an issue of politics than anything else. That's a
21 difficult equilibrium to reach, regardless of what profession
22 the board is reviewing, but I don't think that that doesn't
23 mean we shouldn't try.

24 It amazes me that some large departments like the
25 City of Hartford, which has had numerous complaints over the

1 years and suits filed against it and internal problems that
2 most other police departments would blanch at, hasn't
3 established that kind of review of itself as well.

4 I think if you look at the differences between the
5 three departments in the three largest cities in Connecticut,
6 Hartford, New Haven, and Bridgeport, I think, over the long
7 term, you can see the differences in how those departments
8 function. I think part of it is training and the strength of
9 the programs, particularly in New Haven, but also, it's the
10 kind of civilian review and attitude that the governments of
11 each of those respective cities have toward their own
12 departments.

13 CHIEF CRUZ: I can't for a moment -- I'm sitting
14 here and reflecting on the Christopher report. When I read
15 that, I was amazed to see their internal workings and how
16 their review process is such that they have officers,
17 commanding officers and an officer's peers, for the
18 disciplinary board to review allegations of misconduct. I was
19 shocked to find that the chief was reversing many of the
20 decisions of the board, that they were more severe than he
21 thought appropriate.

22 So I think that just flies right in the face of
23 anyone advocating the civilian review board. Here, you have a
24 department, with all of its shortcomings, having a process
25 where it appears we're more severe than their chief. I think

1 in our business, that says a lot.

2 I probably would rather go before a board of police
3 commissioners than a group of my peers on a serious misconduct
4 complaint also.

5 MR. KAELIN: Mr. Grabarz, you mentioned in your
6 opening remarks about perhaps giving federal authorities the
7 power to join in certain suits, which I didn't quite
8 understand. Let me just ask you more generally, as far as the
9 federal government's relationship to this area, what is the
10 federal government's role in not enforcing, but helping to
11 mitigate police misconduct to the extent that it exists? And
12 do you think there needs to be a greater role?

13 MR. GRABARZ: That's actually a very good question.
14 I recently saw a film that's been traveling around the
15 country, actually, to sold-out audiences and recently played
16 for several days in the Hartford area, to the same kind of
17 reception. The film was called, Wake Up. It's, essentially,
18 an investigative report of federal police activity,
19 particularly in regard to -- well, specifically, in regard to
20 the Waco incident.

21 The film, I was just absolutely, completely blown
22 away by. The film has actually spurred a little cottage
23 industry across the country in calling for citizen referendum
24 on grand juries, in which citizens themselves could gather a
25 certain number of petitions; and those petitions would, when

1 they reached a certain level, be reviewed and automatically
2 require the empaneling of a grand jury.

3 I feel a little queasy about that; I think that puts
4 it back in the realm of politics. 1983 suits, what you have
5 to do to get through and above that is such a level of damages
6 and such an involvement with and in what is a very specific
7 area of the law, that for an average or a mid-level complaint,
8 it's very difficult. So I think that the state should deal
9 with that more than not.

10 The U.S. Attorney has the ability to empanel and
11 call for the empaneling of a grand jury as well. That's very
12 rarely done; it's extremely rarely done in Connecticut.
13 Perhaps that should be reviewed.

14 On the federal level, the Justice Department has so
15 unevenly performed from administration to administration,
16 based on what the direction is from the top, that that can
17 often be a problem too; maybe just seeing a Justice Department
18 that's better organized and better able to carry out its own
19 function would be a part of that. I think that's probably a
20 big task.

21 There are a lot of people in the country right now
22 calling for a curtailment of federal policing powers,
23 particularly as it relates to Alcohol, Tobacco, and Firearms;
24 which, in the incidents that they've been involved in over the
25 past two years and three years, in particular, some of which

1 have been absolutely atrocious and have been compared to storm
2 troopers.

3 Certainly, we've seen come to light recently the FBI
4 incidents in which, essentially, the same thing has happened,
5 and the kind of misconduct that occurs in that department
6 which the U.S. Congress continually remains reluctant to
7 provide any kind of review of, including over its own budget,
8 where large portions of its budget and the CIA's budget still
9 remain above U.S. Congressional scrutiny.

10 I think the federal government has a lot longer
11 distance to travel in its own involvement than the state does,
12 but I think we have a more realistic opportunity, at the state
13 level, to create avenues of review and avenues of which, at
14 least, within our own borders, we've got some or, at least, a
15 little bit more control.

16 The U.S. government participating in civil rights
17 suits, I think right now, they don't, particularly if it's an
18 individual suit. If it's a department, a federal department
19 involvement in a suit, like HUD or others, in a specific civil
20 rights violation area, they do a little bit more easily. When
21 it involves a violation of the U.S. Constitution by a local
22 authority, they're very reluctant and, in fact, hardly ever
23 participate.

24 MR. KAELIN: Let me follow up with a question for
25 the chief: In a serious situation, take an example where a

1 policeman shoots and kills a member of a minority community
2 under circumstances that are disputed, would it make your job
3 easier, as the administrator of the police department, to be
4 able to simply refer that investigation to federal authorities
5 so that you don't get stuck in the middle of it? So it looks
6 like there's this impartial body -- well, not impartial --
7 but, basically, getting it over to a third party to
8 investigate, rather than leaving it to you and leaving
9 yourself open to allegations that you're just protecting one
10 of your own?

11 CHIEF CRUZ: As it stands now in Connecticut, there
12 is a law that when an officer shoots and kills someone, the
13 states attorney's office is called in and they conduct the
14 investigation. So we basically have an independent agency
15 already doing that for us.

16 About the only thing -- they conduct the criminal
17 investigation; we would still be responsible for an internal
18 investigation to determine whether our internal policies
19 regarding the use of deadly force was followed or not. I
20 wouldn't want to relinquish that; that is my responsibility.
21 That's what they pay me the big bucks for.

22 I can only speak from the departments I've worked in
23 that we are well capable of determining whether or not someone
24 violated policy, in that respect. I think if someone violated
25 use of a deadly force policy, there's no way that person is

1 going to be retained in employment, regardless of whether or
2 not his actions were criminal. They're two separate
3 entities.

4 MS. GROSS: Do you feel that they were always so cut
5 and dry, even in something like a Malik Jones case?

6 CHIEF CRUZ: I read that report; as I said before,
7 that officer was totally, totally justified in his actions.

8 MS. GROSS: Okay.

9 CHIEF CRUZ: You know, it's interesting that with
10 all of the debate regarding that case, I have yet to hear
11 someone say, How is the officer doing? We always forget about
12 that person. That's the person that we've hired; that's the
13 person that I count on for keeping our society clean.
14 Nobody. I have yet to hear someone say, How is the officer
15 doing? I think that's too bad, and I'm being mild.

16 DR. ECHOLS: It's kind of mind-boggling to hear this
17 and think you can't plug in and nothing seems to work and so
18 on, but as you present, particularly, Chief Cruz, in terms of
19 the hours of training -- you mentioned a figure 586 hours -- I
20 think, Gee, you know, that's great. There was a time when the
21 public seemed to feel that more training and certain types of
22 training was going to get to this.

23 I want to ask you and others to comment about the
24 selection and screening of officers, and do you have and use
25 the opportunity to screen some people out when you see them

1 headed for trouble? How many times do they have to do stuff
2 and finally kill somebody? Is it at that point that you get
3 it? Is the screening and selection going well?

4 Are any police departments having to take people who
5 might not be adapted to the work, but the cry is so large for
6 us to have all of that policing, is there anything there
7 before they really get in the departments and commit abuses
8 and crimes?

9 CHIEF CRUZ: That is an interesting question that I
10 really don't have an answer for. We are searching for
11 candidates who will be gentle, understanding -- a doctor, a
12 lawyer, a priest -- and at the same time, we want them to be
13 able to kill someone or to use enough force to keep that
14 person from harming somebody else.

15 That's a tough line, during the selection process,
16 to find somebody that can be both of those things without
17 going over the edge in either direction. Quite honestly, I
18 don't want someone who's going to be wrapping up in cotton
19 while the person is trying to kill his wife. At the same
20 time, I don't want him beating down on somebody simply because
21 he went through a red light.

22 It's a very fine line in the selection process.
23 Sometimes I read the psychological reports. I sit there and
24 scratch my head and say, I just spent 350 bucks for this and
25 this thing doesn't tell me anything. Then you go back and you

1 look at the polygraph, for whatever value they may be -- and
2 I'm not sure -- and then, primarily, we rely on the background
3 investigation.

4 You have an officer investigating someone, and he
5 really gets the feel as to whether this person, given all that
6 information, can make it or not. Then we follow them through
7 the academy -- which, again, I should underline the 586 hours
8 are only what the state mandates as minimum -- still goes
9 through about a 16-week field-training program with an officer
10 that we select as administrator; hopefully, one that deserves
11 that designation as a field-training officer.

12 Then we follow them for about three or four years to
13 see -- we track them pretty closely to see what types of
14 incidents and/or complaints. If I start getting a complaint
15 on a guy that's been out there three weeks on his own and it's
16 regarding verbal abuse, we begin to take a close look at that
17 person because if it's happening so close to breaking out of
18 the academy, with just verbal abuse, he's on that edge where
19 next is going to be physical abuse. We want to grab that
20 real, real early.

21 But our difficulty, I have to be honest with you, is
22 when we find it, we can discipline the individual, but we've
23 got to go up to that wonderful State Labor Board which is
24 going to tell us we didn't do enough training and self-help
25 for him, and we can't terminate him. So we have to maintain

1 him, wait for another incident, wait for another incident, and
2 wait for another incident.

3 It's kind of like our criminal justice system, where
4 you get about eight bites of the apple before they go to
5 jail. It's kind of like the same thing here in Connecticut.

6 MR. SERPA: What about recruitment efforts in the
7 minority community? Do you go out?

8 CHIEF CRUZ: For a community like ours, we have
9 found recruiting minorities extremely difficult; and quite
10 honestly, I can't blame them. It's an old-fashioned Yankee
11 town; we don't have a very large minority population.

12 We do it on a regional basis, our advertising and
13 selecting process; but the largest cities just gobble up
14 minority applicants like crazy. We have a very, very
15 difficult time in attracting minority candidates.

16 MS. GROSS: You mean in Guilford?

17 CHIEF CRUZ: Yes.

18 MR. SERPA: Do you know what the percentage is in
19 Connecticut of minority officers?

20 CHIEF CRUZ: I think Sam might have that.

21 LIEUTENANT BEAMON: No, I don't. Through the
22 training and screening of candidates, every town has their own
23 criteria. What we're finding is, yes, there's a decrease in
24 the number of minorities that are applying. There are a lot
25 of different safeguards -- I'll call them safeguards -- for

1 society that weed out minorities, whether it's high blood
2 pressure, cholesterol, background checks.

3 The City of Waterbury just had a test for the
4 position of police officer, and they certified on the list
5 approximately 300. Out of that 300, so far they've exhausted
6 that list of individuals that passed it. Most of the
7 minorities were knocked off that list for several different
8 reasons. Some were good; some I don't think were good.
9 What's the answer? I don't know.

10 You sit down in front of a psychologist or a
11 psychiatrist, and he throws a bunch of questions at you, which
12 may be right for the white mainstream, but it may be answered
13 differently by the minority. We're dealing on an academic
14 level where we had over 2,000 people that took the test for
15 Waterbury, and less than one percent were minorities.

16 We put the advertisements in the paper. We've gone
17 to community leaders. The community wants individuals from
18 their own hometown; there aren't enough. So yes, we're
19 drawing from other towns. Now, that individual has to be
20 indoctrinated to the avenues of that community that he's
21 serving. He doesn't know the individuals on the corner; he
22 did not grow up there.

23 What happens with the screening process? The
24 screening process says, You have a psychological problem. Who
25 made that determination, that one individual through one

1 interview? I don't believe it's right. If you're talking
2 about a review board, it should be two or three individuals
3 who would evaluate the mental ability of an individual.

4 You have an individual that says, He is
5 quick-tempered. Well, I am quick-tempered; I am trained to be
6 quick-tempered at a certain time. But if he asks me a certain
7 question, I'm going to give him a certain answer.

8 I sat before a psychiatrist with his ink blots and
9 his pictures, and he wants me to tell stories. Well, that's
10 fine, because I grew up here and I have some idea of what his
11 expectations were; but if you get someone coming out of
12 Hartford or Bridgeport, they may have a totally different
13 account of what the pictures mean to him.

14 If he doesn't score high enough on the academic
15 level, we're dealing with individuals right now -- in fact, in
16 the Waterbury Police Department, we have an individual with a
17 Master's degree in business administration. Does that make
18 him a good police officer? Only time is going to tell. He'll
19 make a great administrator, but he has to get through that
20 first part.

21 So now you have 2,000 people that are taking that
22 test that have to compete with an individual with a Master's
23 degree or a Bachelor's degree in criminal justice. The basic
24 individual that's coming out has a high school education,
25 might have two years of college. In some towns, they are

1 requiring at least two years of college to even apply.

2 This is cutting other minorities out, because the
3 average of minorities graduating from college is down. We
4 have a lot going to college, but we don't have a lot
5 graduating from college.

6 What have we taught our kids? We've taught our
7 kids, Better yourself. They go to college, they come here,
8 they go to UConn; and they look somewhere else because there
9 are jobs and opportunities in Atlanta, in California. You're
10 looking at the old Yankee mind here in Connecticut,
11 Massachusetts and Rhode Island. Our young people are leaving
12 in droves, and we're the ones that are going to be left here.

13 You want individuals to enforce the laws for you.
14 You want an educated individual. You want a compassionate
15 individual, and you want a individual that's going to deal
16 with situations with reason and responsibility. That's a big
17 order, and we're trying to do the best we can with what we
18 have.

19 What more can we do to get minorities? I don't have
20 that idea. We've reached out to the communities. A minority
21 doesn't have to be told. The only thing he or she wants to
22 know is when the test is going to be given, because that
23 individual is not going to be yelling out, I'm taking a test
24 for police officer. Sometimes it's looked upon as turning
25 your back on your community, a place where you have to live.

1 I was born and raised here. There's nothing that
2 goes on that I don't know, and I have the respect of the
3 people of the community. But you bring somebody in from out
4 of town, they're not going to have that same cooperation.

5 MR. GRABARZ: I'd actually like to comment on that,
6 if you don't mind. Actually, I think police departments have
7 done a better job over the past decade in recruitment and
8 retention and making police departments look more like the
9 people that they're policing than they have in the past.

10 Part of that has to do with suits that we, at the
11 Connecticut Civil Liberties Union, have brought against
12 various police departments, particularly Waterbury and
13 Bridgeport. Part of that has to do with greater outreach
14 efforts that some departments have made, and those departments
15 that do make a greater outreach effort, certainly, more
16 reflect the community that they're policing.

17 Some of it has to do with the removal of residency
18 requirements which were in existence in the past. Part of it
19 has to do with a trend in some places toward banding test
20 results rather than a strict hierarchy of 1 through 100 or 1
21 through 1,000 of people who take the test.

22 Tests are general reflections, and sometimes we
23 forget that when we hire somebody who has a 96 over somebody
24 who has a 95, even though perhaps the person we really need is
25 the person who has a 95.

1 There are a lot of ways in Connecticut, that
2 regardless of how much training you have, things are still
3 going to fall through the cracks. Police departments, in some
4 instances, are no different than a town's public works
5 department. The person who gets the job happens to be this
6 person's nephew, or the person who gets the job is the one who
7 isn't most qualified, but happened to get a number of extra
8 points because they were a veteran or member of the Peace
9 Corps or a number of other points that you can stack up in
10 attaining the number of points you need to qualify, so that
11 can still be a problem.

12 But as more and more people who represent minority
13 communities have access to higher education, those points will
14 increase. As more and more people who represent minority
15 communities stack up points for being veterans, that will
16 increase. In some places, I think we've seen really
17 tremendous results; in other places, they're still lacking.

18 We had a case in which the State of Connecticut
19 settled with us on a police abuse case last year in which we
20 did a very cursory investigation and found that the state
21 police officer we were complaining about had served in a
22 security firm in which he had received numerous complaints of
23 beating up customers during his time as a security officer at
24 a department store.

25 The state police had no record of this in either

1 their interview or initial screening of this candidate. So in
2 some cases, the laws or requirements are there, but individual
3 departments don't work hard enough at screening.

4 MS. GROSS: Is there anyone sitting out there -- I
5 will get to you in a moment -- is there anyone who is --

6 MS. TIRU: Is it discriminatory to say and to
7 enforce goals in the tradition -- for example, here, back in
8 1992, with the help of the dean of instruction, I was able to
9 say, I want to have ten slots for minorities to apply for the
10 nursing program, which is a very, very exceptional program
11 where students have to take a test, and the highest will get a
12 slot. We only have 60 students getting in the program, out of
13 probably 500 applicants. I was able to say, I'd like to see
14 ten slots or ten seats to reserve for minority students, and
15 we were able to do that.

16 Can the police department do that regardless of the
17 score in that test or not?

18 MS. GROSS: Which one of you would like to respond
19 to that?

20 CHIEF CRUZ: I do recall many years ago in New
21 Haven, maybe about 15 years ago or so, there was a suit
22 brought, and I think it was by the minority organizations
23 within the police department and/or the fire department. The
24 result was that they were going to have two lists: one, a
25 minority list and, one, a nonminority list. For every one

1 nonminority, they had to put on two minorities until it
2 reached -- the department reached a percentage reflective of
3 the community.

4 I found that a little disturbing, that it had to
5 take a lawsuit for somebody to wake up and do this. For those
6 doubters, it was kind of like, you know, They've been
7 performing pretty well for the last 15 years, what's the big
8 deal? But it was a big deal back then, for whatever reason.
9 I believe that was carried forward as far as promotional
10 opportunities also, if I'm not mistaken. I think there was
11 another lawsuit brought for promotions.

12 As an employer, at some point in the hiring stage, I
13 find it incredible that there's no problem in satisfying a
14 directive from a Court once it comes down; but they have all
15 of these problems in doing it on their own. It always amazed
16 me how they couldn't find qualified candidates, they had a
17 thousand different excuses; yet when the directive came down,
18 they had no problem. Their units or their departments
19 functioned as well, if not better. It's just amazing to me.

20 LIEUTENANT BEAMON: Waterbury had the same problem
21 as far as suing the city. At one point in time, we did have a
22 dual list system, until the minority levels reached the
23 percentage of what the population was. The difficulty factor
24 is the academic side. In most towns, you're dealing on a
25 civil service, giving a fair and equitable test.

1 If you have 2,000 applicants for the position of
2 police officer, and we're going to say maybe there's 50
3 openings, you're going to wind up with the brightest
4 individuals of those 2,000 before -- the minority may or may
5 not wind up in the top ten. You might wind up with one, but
6 it's all on a percentage basis.

7 If I have 2,000 whites taking a test, and I've got
8 100 blacks and Spanish taking the test, the chances of a
9 minority coming out in the top 100 are few and far between.
10 Yes, the ones we get are the brightest, but you have a long
11 way to go as far as evaluating the person's ability to do the
12 job itself.

13 In many cases, that's what it takes is a lawsuit.
14 It took us three years with the Civil Liberties Union, filing
15 suit against the City of Waterbury, in hiring and in
16 promotional practices. The individual that was working next
17 to me would disappear for a week, and then he'd come back and
18 I'd say, Where were you? He says, I was at burglary school,
19 or, I went to auto theft school.

20 So now when it came time for a promotional test,
21 this individual had a step up on me as far as knowledge of
22 what they're looking for. But it took a lawsuit to bring all
23 these cases or opportunities to light. Now they have to
24 publish what schools are available. For every four whites, a
25 minority is sent to school.

1 It's very difficult to rectify the old practices,
2 and it starts right with civil service. It starts with
3 recruiting. It's a matter of getting the interest of the
4 community not to be afraid of the police, because once there
5 are more minorities on the job, the potential -- believe it or
6 not -- for abuses goes down because they know how to deal with
7 the communities that they're serving.

8 If you bring an individual in -- and we have one guy
9 came in from Maine; we had another guy was educated in Ireland
10 -- come to be a Waterbury police officer. What does he know
11 about the culture of this town?

12 As I said, it's a multiethnic society, and you have
13 to know what you're dealing with. Everything does not come
14 out of a book, and you cannot test life experiences just by
15 sitting down in front of a psychologist or a sociologist and
16 have him throw a few questions at you for a half hour; he does
17 not know what you're all about.

18 MR. GRABARZ: If I could comment on your question in
19 a general sense, in two different ways, one on Affirmative
20 Action in general. There is a value in Affirmative Action,
21 because quite often in the systems in which we pick and
22 choose, particularly for employment and public employment in
23 particular, there's a built-in bias.

24 You see this when you see those proud declarations
25 of someone saying, I'm the fourth generation in my family to

1 serve in this position. That's not necessarily uncommon.
2 There are a number of police departments in Connecticut that
3 are under court order to rectify that situation.

4 I think that having targets can provide worthwhile
5 goals for departments. In the overall, because there is a
6 built-in bias in the system, because people approach the
7 system and approach, particularly, the job-selection process
8 on an uneven playing field, the value in Affirmative Action is
9 in leveling that playing field so that when people approach
10 the selection process, they have an equal opportunity to
11 display and demonstrate their own talents, despite the
12 built-in bias of the system.

13 On the other aspect of that is that when departments
14 look like the community they're policing, there tends to be a
15 greater confidence in that department; and it will, in the
16 long run, help in the retention and promotion of other
17 officers, particularly minority officers, when they see
18 superiors above them who look like them as well, so that
19 there's a built-in fairness within the system and a built-in
20 confidence within the system as well.

21 So I think that to answer your question in a general
22 way, there's great value in having an Affirmative Action
23 attitude within a police department in particular.

24 MS. GROSS: Thank you. I know we have one more
25 question at the moment from the committee. Maybe we should

1 wait. I think we'll take a five-minute break, and then I
2 think there's some questions from people in the audience. I
3 hope they will address us and give us their names, and we have
4 more questions from the committee.

5

6 (Off the record.)

7

8 MS. GROSS: One of the members of our committee, Lou
9 Bertha, had a question before we broke, so I think we'll start
10 with her.

11 DR. MCKENZIE-WHARTON: This question is directed to
12 Lieutenant Beamon: We realize that policemen need a
13 multiplicity of skills; however, I wanted to know, has any
14 special recruitment or reachout effort in a program been made,
15 at the higher level, set up for minorities that are living in
16 specific areas, that are partaking of college courses, could
17 they be encouraged to go into the police profession?

18 LIEUTENANT BEAMON: The only thing that I know of,
19 at this point in time, there's nothing on the executive level
20 as far as direct minority recruitment for the police
21 departments. I'm a member of the Waterbury Guardians, which
22 is a black police officer association. We have chapters
23 throughout the state, including the Silver Shields in New
24 Haven.

25 We do informal recruitment, which involves going

1 into the community, going to community leaders, the churches,
2 the NAACP, the Urban League, whatever is available in that
3 town, and presenting them with the applications, the criteria,
4 and even as far as conducting classes on how to take the civil
5 service test. A lot of minorities do not know how to take
6 those tests.

7 It has had a positive effect, but as far as on the
8 upper levels, there hasn't been anything formal, other than
9 putting something on the radio or the announcements in the
10 newspaper. We really don't read the employment section of the
11 newspaper, looking for job applications for the fire
12 department or the police department. It's generally done by
13 word of mouth, and the main thing is getting the word out to
14 our communities that the test is being given, and, Submit your
15 application. Once they find out about the test being given,
16 come hell or high water, you can't keep a minority from taking
17 the test and going down and applying for it.

18 Most times it's a secret throughout the state. You
19 would have to look for that little article back on the want ad
20 page that Winsted is looking for one police officer, or you
21 have another small town that goes through a regional
22 recruitment. It costs an individual money, and the small
23 towns are working off of that list. You might wind up in
24 Naugatuck or Ansonia, so you really don't know where you'll be
25 going within the state of Connecticut.

1 We're doing the best we can, as minority officers,
2 to bring the interest in our community up. It's not just the
3 Guardians; it's also the Hispanic Police Officers
4 Association.

5 One thing that you will see is an increase of
6 minorities working in the prisons. This, I'm not too happy
7 about. I'd rather keep our kids out of prison, give them the
8 opportunities to get an education. I do not want to see 40 or
9 50 percent of the correction officers being minority. You
10 have minorities jailing minorities. I'd rather see them out
11 there trying to enforce the law fairly and impartially, and
12 being a role model to the kids on the street as opposed to
13 locking them away.

14 It's just something that we're all a part of,
15 whether you're white, black, Spanish, Indian; you're an
16 American. If you're out there doing the right thing, kids are
17 going to look up to you.

18 Years ago, I had the privilege of walking the beat
19 with the first black police officer to retire from the city of
20 Waterbury, and I found out way back in 1948 -- I'm not going
21 to date myself too much -- but he pulled me out of a house
22 where I was overcome by gas. He walked the neighborhood right
23 on Pearl Street. He didn't know that he was the first black
24 police officer -- did not know that he was saving the life of
25 the first black sergeant.

1 Now, we're talking a long time ago, but I also knew
2 this individual because he lived right down the street from
3 me. Residency requirements are one thing. The International
4 Association of Black Police Officers wants residency
5 requirements for police officers so they live in the
6 neighborhoods that they serve.

7 I don't totally agree with that, because now it's
8 becoming discriminatory. Teachers come from all over; why
9 should a police officer be restricted to where he can live and
10 where he can work? There's a lot of different areas; this is
11 one of the restrictions that minorities are looking at.

12 We have more minorities taking the test for state
13 police as opposed to city police. We also have a minority
14 that will take the California Highway Patrol test as opposed
15 to the Los Angeles Police Department. Why? Because they get
16 to get out of their neighborhood; they get to help more
17 people. They're not restricted to that one little area.

18 That's why I can't see where a minority would want
19 to work in a prison system. Even though we need them there so
20 that you have equal treatment, I don't see why they would want
21 to be closed into that one specific area.

22 Most minorities, you'll find, are deeply
23 law-abiding, caring individuals, and they are the ones that
24 you need out there on the streets, dealing with people through
25 their training. Once they get on the police department, you

1 can guarantee you've got some of the smartest and brightest
2 people in the community working out there on the street.

3 But they're looking for more. You have individuals
4 that come on the police department who want to be a lawyer.
5 They want to be an attorney, and they'll come on the police
6 department for a couple years in, get a little experience,
7 finish up law school, and they're gone. I don't blame them;
8 it's called the American way, stepping up the ladder.

9 But if you have an individual that you've invested
10 all these hours of training and years, you want to keep that
11 individual there for 25 years; if he's doing a good job, you
12 want him to train the rookies coming on. This is the way it's
13 supposed to be.

14 It's supposed to be a color-blind society; that's a
15 Utopia. It's not going to happen. We're dealing with
16 individuals, and there's a big gray area in there. So we're
17 doing the best we can as far as getting the word out to the
18 minorities, Come, join us. Because there are less abuses when
19 minority officers are out there.

20 When I first started, there was only eight black
21 officers and two Spanish. I went into a bar, and an
22 individual came up to me and said, Let me tell you about what
23 one of your cops did. I said, Wait a minute; if you had taken
24 the test and you were on the job, maybe that wouldn't have
25 happened; but there's only eight of us, and we're spread out.

1 Two were on the detective bureau, one was on the traffic
2 squad, and you take the rest and divide them up between the
3 three shifts.

4 Well, there's been a big change in Waterbury. We
5 have approximately 50 Spanish officers, and we have 22 black
6 officers. Now we're making up approximately one-quarter of
7 the Waterbury Police Department. And yes, when you have
8 minorities out there, the incidence of misconduct definitely
9 goes down.

10 MS. GROSS: Does anyone else wish to address that?

11 MR. GRABARZ: Two things: One, to comment on
12 something that the lieutenant said. The criminal justice
13 system does not fairly represent society, nor does it fairly
14 represent the people who appear before it; and the demise of
15 Affirmative Action has already, just in the past year, caused
16 a significant drop in law schools by minority applicants and
17 minority attendees.

18 That means that in the future, there will be fewer
19 applicants for minority judgeships and for those other kinds
20 of positions that attorneys serve in. So if we want a
21 criminal justice system, in particular, that looks like the
22 communities that it's servicing, then we need to have
23 opportunities available elsewhere in society so that people
24 who represent those communities can enter that system.

25 The second comment I'd like to make, which is, I

1 guess, just basically another philosophical comment, is that
2 as a society, we have no problem recruiting African-American
3 males to do our policing in Bosnia; but for some reason, we
4 have a problem recruiting them to do our policing in
5 Bridgeport and New Haven and other places. I think that, in
6 and of itself, speaks to something.

7 MS. GROSS: If anyone else didn't sign up before and
8 wishes to, you can come up and do so; but in the meantime, is
9 there anybody else on the committee?

10 MR. JOHNSON: Several weeks ago, there was a
11 disturbing report on 60 Minutes about a police department in
12 Louisiana involved in abuses with some legislation and drug
13 enforcement that enables police departments to repossess the
14 property of people that somehow are associated with dealing
15 drugs. It was a chilling report in many regards, with clear
16 evidence of police corruption going up the chain of command.

17 I have two questions: One is, in the state of
18 Connecticut, have there been any incidents of that nature --
19 and I see the chief nodding his head, so I assume you're
20 familiar with the report -- any incidents of that nature in
21 terms of drug enforcement here in Connecticut?

22 My second question is somewhat related: I was
23 talking to a hospital administrator a few weeks ago who
24 indicated that there's been a special unit of the FBI that's
25 been formed to investigate Medicare fraud. The agents of the

1 FBI who will be doing this, their salaries will be paid from
2 the pool of funds that they generate through their
3 investigations. So that the incentive of the investigators,
4 literally tied to their own salaries, is now tied to it. I
5 would ask any of you on the panel, and particularly
6 Mr. Grabarz, to respond to those accusations.

7 CHIEF CRUZ: Yeah, I saw the report also, and I was
8 shaking my head when I was watching it; but it didn't surprise
9 me, based on the reputation of the department and the problems
10 that they have had for many, many years. The last I knew, the
11 salary of the average officer down there was like \$14,000 a
12 year, and that may be part of the systemic problem that they
13 are encountering.

14 With respect to Connecticut, for asset forfeiture, I
15 am not familiar with any cases in which this property was
16 obtained through any illegal or inaccurate or false reports.
17 I think that's probably because of the system that is in
18 place, that we have been following, both at the federal
19 asset-forfeiture -- if it's going federal -- or the state
20 asset-forfeiture procedures. I think that's kept the process
21 pretty clean.

22 The only thing that I'm familiar with in
23 Connecticut, and has been in the headlines for months and
24 months, has been the North Star Project, with the way it was
25 being disbursed through the state police. But other than

1 that, I'm not familiar.

2 MR. GRABARZ: I'm opposed to asset forfeiture,
3 period, mostly because it creates additional victims. You
4 know, not everybody who commits a crime is in control of
5 property that they exclusively use, and families have been
6 denied a place to live or the use of an automobile that they
7 essentially own, but don't actually own because someone in
8 their family -- who they may not even be aware of -- has
9 committed some kind of a crime.

10 I think that you make an excellent point about the
11 motivation and, certainly, the appearance of a conflict of
12 interest when forfeited assets are used to fund departments
13 that are in charge of the enforcement of that area. In
14 Connecticut, the legislature has gone back and forth numerous
15 times on whether local police departments share in what
16 percentage of asset forfeiture, and what part goes to the
17 state.

18 I think where asset forfeiture is involved, it
19 should go into the general fund of the state and then
20 disbursed amongst general funds, which would relieve both the
21 department and the individual state enforcement agency of the
22 burden of the appearance of a conflict of interest and,
23 certainly, reduce the possibility that an asset would be
24 forfeited, or that someone would be targeted for law
25 enforcement particularly because of an asset that they owned

1 or possessed.

2 It also tends to skew, I would think, over time; and
3 I don't have any reports that show this, but it would be
4 interesting to see one done or to see whether asset forfeiture
5 itself has skewed which laws get enforced and where they get
6 enforced. Certainly, drugs is a big problem in the country;
7 some would say prostitution is a problem as well.

8 Are the enforcement of those laws any more important
9 or any less important than other various serious crimes that
10 can or would or are being committed? And do police
11 departments or law enforcement authorities or investigative
12 authorities devote resources to a particular area because
13 there's the potential for an asset forfeiture?

14 I think whether they do or they don't, the way the
15 laws are structured now certainly presents an appearance of a
16 conflict of interest that should be eliminated.

17 MR. JOHNSON: Any comments on the linkage of
18 salaries, of investigative salaries?

19 CHIEF CRUZ: I have a big problem with that;
20 obviously, it's a conflict. The incentive for abuses is
21 tremendous when that occurs, and I don't know whose brainstorm
22 that was, but that just has "bad" written all over it, in my
23 opinion.

24 I just want to get back to a couple things that Joe
25 mentioned, with respect to asset forfeit. I happen to

1 disagree with him in that respect, particularly where he said
2 it creates additional victims. You know, if you've got
3 somebody that lives in your house and he's dealing drugs, you
4 ought to know about it. If you've got a kid dealing drugs and
5 he's driving around in your car, you ought to know about it.
6 If you're not, you're not meeting your parental
7 responsibilities.

8 The other interesting thing with respect to
9 enforcement, the last statistics that I had read coming out of
10 the Department of Corrections, 85 percent of the people going
11 in were under the influence of some type of substance, whether
12 it be alcoholism or illegal drugs. So I think if efforts are
13 being directed into the area of illegal drugs, I think that's
14 where it is because most of the crimes that we are seeing are
15 directly or indirectly related to drug abuse.

16 MR. GRABARZ: I would like to say one more thing:
17 We pick and choose which crimes we pick for asset forfeiture.
18 When we convict a politician of bribery or unethical conduct
19 in office, we don't talk about asset forfeiture. When we talk
20 about certain white collar crimes, we don't talk about asset
21 forfeiture. The first time an IBM office building gets its
22 assets forfeited by the state because of some crime that,
23 perhaps, Union Carbide or someone else committed, then I'll
24 believe it has been done fairly.

25 MS. GROSS: I'd like to get to questions that have

1 been submitted by people. First, Alfred Gross.

2 MR. GROSS: I'm Alfred Gross, and I'm unaffiliated.
3 I'd like to comment on a concern that Chief Cruz had made that
4 people don't seem to want to come in to place their
5 complaints. I would like to suggest that the reason for that
6 is that most people who would be affected by this type of
7 action think they are wasting their time. We all read about
8 the blue wall of silence; I don't think that applies to only
9 the police profession, I think it applies to all professions.
10 I personally know of lawyers and doctors who won't testify
11 against other doctors. I know some craftsmen who won't
12 testify, so it's not only about the police.

13 I suggest that that's it. The attitude, I think, of
14 the entire panel against police review is mistaken. I myself
15 think it's a bit of an exaggeration to have the police
16 investigate themselves; to compare it to a fox watching a hen
17 house is a little exaggerated, but I do think -- I'm convinced
18 in my own mind that you could get civilian panels who would
19 have the expertise and lack of a prejudice to do the
20 investigation and do it properly. That's my comment.

21 MS. GROSS: I thought you had a question.

22 MR. GRABARZ: I would actually even go further than
23 that, Al. I think today, if someone called me with a
24 complaint about the state police, I would feel obligated to
25 warn them that if they actually did make a complaint, they

1 would be putting themselves in jeopardy.

2 MS. GROSS: The next person who signed up is Cliff
3 Petteway.

4 MR. PETTEWAY: Cliff Petteway, taxpayer,
5 nonaffiliated. I address a point to the committee: First of
6 all, just cutting to the chase, we're deal with jobs and job
7 opportunities. Again, due to the fact that there's scarce
8 jobs and downsizing, we're talking about jobs.

9 Now if you have a white male coming out of college,
10 has a degree and can't get a job, the first place he's going
11 to go is the civil service. Now he has a job opportunity; he
12 gets on the police department or fire department in various
13 cities, and now, it's a job opportunity by way of politics,
14 nepotism, et cetera.

15 Now you have three black males that are qualified,
16 want a job on the police department, but due to fact that we
17 have to pacify, say, Lieutenant Cruz and his nephew, his
18 nephew gets the job and these brothers don't. That's
19 pervasive throughout the country; it happens not only in the
20 suburban cities, but it also happens in our urban cities.

21 Now, to go on further than that -- if you can just
22 give me five minutes. Now that these guys are on the job now,
23 they have no sensitivity toward inner-city problems. Now you
24 have today's paper from New Haven -- this is the attitude that
25 you have -- you have one police officer saying, Do you want a

1 piece of me too? This is a case right here in West Haven; it
2 was a captain who beat up a patron in a bar. Now he has an
3 attitude that he wants to go beat up the whole community. He
4 feels that way.

5 Also in the paper, we have two police officers in
6 the city of New Haven fighting each other over a spilled
7 coffee. The driver spilled a coffee on his partner and there
8 was a verbal exchange; they're fighting one another. So with
9 that attitude, what type of response do you feel they're going
10 to have toward the citizens?

11 So what happens is that you get a police officer
12 from East Haven, comes to the city of New Haven during a
13 police chase, sees a victim, a black male, looks at him and
14 says that he's in jeopardy, takes his revolver, shoots a black
15 male five times and kills him. It's on the report.

16 The report is given to the state's attorney, the
17 state police; it's reviewed by Darington. Darington comes out
18 and makes this decision saying that the police officer's life
19 was in jeopardy. They have a report saying what happened.
20 The police officer says his life was in jeopardy. He fired
21 one shot; the second shot was a response because the driver
22 gave him a go-to-hell look. That was the justification for
23 three more shots. He's been exonerated.

24 This is what's happening across our country. I went
25 down to Washington, D.C.; we dealt with the issue of police

1 brutality and misconduct. It's in Emerge Magazine. That's
2 why we find out -- Louima in New York -- nothing happens; and
3 this case is going across all the country.

4 Now you even get to a point where white cops are
5 killing undercover black cops. You see what I'm saying? It
6 doesn't take a genius to find out the problem is getting out
7 of hand, so what do you do? That's what I want the panel to
8 address: How do you stop this and what can you do?

9 I agree with Lieutenant Beamon and some of his
10 suggestions as resolution; also Grabarz, I agree with some of
11 his comments. But obviously, we're talking about a power
12 struggle.

13 In my opinion, I believe that Lieutenant Beamon
14 should be a chief in some department because of his attitude
15 and his nonbiased decisions.

16 Chief Cruz, were you at that rally in Hartford and
17 East Haven, supporting the police officers? You don't have to
18 answer; I don't want to put you on the spot, but I guarantee
19 you were.

20 CHIEF CRUZ: No.

21 MR. PETTEWAY: We're dealing with a power struggle.
22 This is a society and this is an area which is dominated by
23 white male superiority, and they don't want to relinquish that
24 power to blacks or females. So what are some of the
25 solutions?

1 MR. GRABARZ: Well, actually, let me comment. I
2 think that you make some very good points. Part of it is that
3 in the past several years, we've conducted a, quote/unquote,
4 "war on crime" or "war on drugs." We've addressed what has
5 been used as a catch word as "quality-of-life issues,"
6 without a commensurate increase -- and that war has involved
7 an increase in police powers and police resources.

8 That increase has not been followed by an increase
9 in review of those powers or resources, and many of the -- I
10 mean, let's talk about it in the same terms that you brought
11 it up. From the Civil Liberties Union perspective, when I
12 comment on the expanse of police powers, quite often it's
13 black communities in the larger cities of the state that say,
14 Look, I'm living in this neighborhood with crime; what are you
15 doing about it?

16 The answer from polititians, including black
17 polititians, is to give more power to police officers and
18 police officials, and to pass laws which end up turning around
19 and snag the community itself. So there's been this whole
20 public relations effort -- wittingly or unwittingly -- which
21 has involved the black communities in active involvement in
22 its own persecution by police authority. No one is speaking
23 up about that.

24 So the excuse for this whole crackdown on
25 African-Americans in this country has been the excuse of the

1 war on drugs and the war on crime, and the accomplice in that
2 has been the black community and black leaders themselves.
3 I'm waiting for the day when a black community leader stands
4 up and says, Don't involve me in your effort to persecute my
5 community.

6 MR. PETTEWAY: I think in response to that, again,
7 we lose some of the resolution that we were talking about, the
8 residency law; and we don't have this commitment across the
9 board. We have those who want to support it, as being the
10 citizens; but then you have upper-level management who want to
11 go totally against it.

12 It provides opportunity for those individuals who
13 live in the suburbs to have jobs. So the residency law, of
14 course they're opposed to it. We have a conflict.

15 You have President Clinton coming down and saying
16 that he wants to address hate crime. The police department is
17 the first example of hate crime.

18 LIEUTENANT BEAMON: Well, in the city of Waterbury
19 right now, the board of aldermen is considering an
20 antiloitering ordinance. I'm totally opposed to that; it's a
21 double-edged sword for me. For law enforcement, they're
22 targeting areas identified as drug-dealing areas; and those
23 areas are going to be predominantly in the inner city, and
24 you're talking about black and Hispanic neighborhoods.

25 When white youth are hanging out, they call it

1 "networking"; when black and Spanish kids hang out, it's
2 called gang and drug activity. I can see that there is a lot
3 of room for abuses of this ordinance. There is no easy
4 answer.

5 Before, you were talking about property seizures.
6 Most of them are taking place in the black and Hispanic
7 communities. It's not an easy thing to take property away
8 from an individual. It has to be done through the courts and
9 judges. Are all judges fair? I don't think so. There are
10 good judges, there are bad judges; but there's one person you
11 can't sue in the state of Connecticut: It's a judge.

12 We're dealing with that right now under the juvenile
13 justice system. We're sitting under a dissent decree as far
14 as placing kids in the juvenile detention centers. They're
15 overcrowded. Well, the State has to come up with some more
16 money, build another detention center; come up with more
17 social programs so these kids are not locked up or locked
18 away. Let's see if we can change their attitude..

19 Society needs their attitudes changed, and making a
20 antiloitering ordinance, I think, is ridiculous. We have to
21 enforce the law, yes; we have to deal well within the law.
22 You're going to have individuals that are going to abuse those
23 privileges, as dealing within the law; but sometimes you're
24 dealing with individuals that are way, way outside of the law,
25 especially when you're dealing with drug dealers and they have

1 no respect for the individuals that are living in their
2 neighborhoods.

3 They're not doing it in their own neighborhood.
4 They will send the drugs from the suburbs to the inner city to
5 be sold. This is a proven fact. Blacks and Spanish don't
6 have the money to bring those drugs into the neighborhood, and
7 if we can concentrate our efforts in the small suburban towns,
8 you would find other antiloitering ordinances coming up.
9 You'd have more red lining as far as the selling of property
10 and who is moving into the neighborhood and who is not moving
11 into the neighborhood. Those kinds of problems would be
12 addressed.

13 We're dealing with the inner city. If you're
14 talking about the four biggest cities in the state -- or five,
15 it makes no difference -- you have individuals that are going
16 to have these problems as far as how are you going to equally
17 and fairly enforce the law within the inner city so that it
18 doesn't come out that it's being discriminatory?

19 CHIEF CRUZ: You know, talking about these
20 aggravating little issues, these quality-of-life issues that
21 we have been hearing so much about lately, this is not about
22 race. This is about society; this is about money.

23 I'm in a pretty affluent community right now, and I
24 can tell you my phone rings just as often as it does from New
25 Haven about kids hanging around. I don't have minorities in

1 our community, but I get the same problem. These kids are
2 hanging around, bothering store owners, skateboarding,
3 harassing some of the young girls and so forth. We've got to
4 put this in the proper perspective: It's not about race; it's
5 about money.

6 I laugh about, at times, the statistics that I look
7 at about crime being reduced so drastically in New York. What
8 they've done is taken the panhandlers off of Broadway and in
9 that area, and we've criminalized being poor once again. Now,
10 this is driven by the political system that we happen to
11 function in. That's way beyond our local control. It's being
12 driven, however, by the customers in those communities.

13 Until we solve the economic problems in this
14 country, these other problems aren't going to go away. It's
15 always been about money. The people that commit crimes have
16 always been -- they're not the presidents of Fortune 500
17 companies. They're people who are poor and don't have
18 anything, and it's either they steal for their food or they
19 starve to death. Until we address this problem at a national
20 level in a serious mode, it's not -- we are going to be here
21 next year and the year after and the year after, talking about
22 the same problems.

23 MS. GROSS: Thank you. That's a good way to end
24 that question.

25 Byron Francis?

1 MR. FRANCIS: I had a quick question to ask. I have
2 a friend, right? He's a black male, and he was hanging out
3 with three white kids.

4 MS. GROSS: Can you speak up? I can't hear you.

5 MR. FRANCIS: I have a friend, and his name is
6 Robert Keey. He was hanging out with three white males, and
7 some cops came and they were asking all the kids what were
8 they doing. Basically, they were just hanging out, talking.
9 The cop came to Mr. Keey, and he said, What are you doing out
10 here? And he said, Oh, I'm just hanging out, just like the
11 rest of them.

12 So the cop pushed him and said, You need not to be
13 out here in the first place. He was like, Why are you picking
14 on me? I'm just here like the rest of them. He started
15 slapping him around and he told him to go home.

16 My question is: What would you do in a situation
17 like that, seeing that you have no power? If you go to the
18 police station and make a complaint, it's not like you're
19 going to be heard anyway. They're just going to sweep it
20 under the rug. What would you do in a situation like that?

21 LIEUTENANT BEAMON: I get all the easy ones, right?

22 THE CHAIRMAN: You're the police officer.

23 LIEUTENANT BEAMON: Gee, thank you, sir.

24 Now, the case scenario is we have one black and
25 three white? Now, we have an abusive situation by the police

1 officer. Now, that one black male, did he file a complaint?

2 MR. FRANCIS: No, he didn't.

3 LIEUTENANT BEAMON: No. Now, we've got three
4 witnesses to the abuse; is that correct?

5 MR. FRANCIS: Yes.

6 LIEUTENANT BEAMON: Did they make statements? If
7 you don't trust the police department, take it to a lawyer.
8 You've documented that incident. You've got three witnesses
9 to the abuse. A copy should be brought to the police
10 department and turned in to their Internal Affairs, but I
11 would say also make out a copy and send it to a lawyer. If
12 the police department doesn't follow up on that abuse, you
13 have the lawyer's ability to follow up on it.

14 You could file a complaint with the CCLU, the
15 Connecticut Civil Liberties Union. There are different
16 avenues that you could go, but if you let that abuse continue,
17 it's going to just get worse. From what you have told me -- I
18 wasn't there, so I really shouldn't be commenting on it -- but
19 from what you told me, that officer should not be on the job;
20 because what you're saying, there was three white, one black
21 just hanging out, not causing a disturbance. He had no
22 probable cause to even come up and bother you.

23 MR. FRANCIS: In a situation like that, you're just
24 so used to seeing stuff like that, you try to put it in the
25 back of your mind and go on with your life.

1 LIEUTENANT BEAMON: Wrong. That's wrong because if
2 it happened to you, it happened to the brother next to you, it
3 happened to the sister over here, it happened to the
4 Hispanic. Wherever that individual is at, that's where he's
5 going to make a problem.

6 Today, it was just roughing up your boy; tomorrow,
7 he may be hitting that individual with a nightstick or he
8 might be shooting this individual. This individual -- whether
9 or not he didn't learn the training that was given to him
10 before he became a police officer, or -- that individual needs
11 sensitivity training.

12 I don't think there's any other profession that has
13 more training going on than law enforcement. Every year you
14 have new laws coming out; you have new court cases that you
15 have to deal with. You're bringing other individuals into a
16 community that he really doesn't know; that's where the
17 sensitivity training comes in.

18 MR. FRANCIS: Once you have somebody that's dead set
19 on hating somebody because of their skin, you can't train them
20 to learn how to love or respect somebody.

21 LIEUTENANT BEAMON: I'm not asking him to love me;
22 I'm asking him to respect me. Yes, he can change that
23 attitude. I have seen that attitude change, but it may take a
24 little time. The average civilian is not going to know about
25 it.

1 If you make your complaint, all of a sudden that cop
2 is not there; you don't see him for a month. You don't know
3 what happened to that individual, but the administration or
4 the police department may have sent him out for sensitivity
5 training. Maybe he has an alcohol problem, a family problem;
6 we have what's called the Post Program, that gives counseling
7 to police officers. But you as a civilian are not going to
8 know what happened to him.

9 All of a sudden, that officer reappears on your
10 street. He doesn't have the same attitude, and you're not
11 going to know why or how it happened.

12 MR. FRANCIS: How effective is that?

13 LIEUTENANT BEAMON: We're not perfect; we try.
14 That's all I can honestly say. We try to rectify the problem,
15 but you have to make us aware of that problem. You know about
16 a problem of one officer that abused one individual.

17 You -- and I'm not saying "you" because you weren't
18 the victim -- but the victim and the three witnesses didn't do
19 anything about it, so we don't know about it. How can we
20 rectify the problem?

21 CHIEF CRUZ: I'd like just to reiterate that. I
22 mentioned earlier there are employment laws that we have to
23 abide by. If I suspect that someone has a deep dislike for a
24 certain ethnic background of someone or is abusive to someone,
25 but yet I don't have someone that has come forward to give me

1 some substance, there isn't a darn thing I can do about it
2 except watch him very, very closely. We are just powerless.

3 The unfortunate thing is if it bothered this
4 individual that bad, it's a shame that you know about it and
5 now we all know about it, but you know what? The chief of
6 that department doesn't know about it, and that person is
7 going to continue to function as if nothing ever happened, and
8 he may someday get promoted.

9 MR. PETTEWAY: That raises the question: Who has
10 the power to discipline or terminate an officer?

11 CHIEF CRUZ: It depends on the department. In the
12 Guilford Police Department, I can only suspend up to three
13 days; anything more than that has to be done by the Board of
14 Police Commissioners, including termination. A lot of
15 departments are like that, unless there's a town-manager form
16 of government.

17 MR. PETTEWAY: The Board of Police Commissioners,
18 how would they determine it? It's basically a -- an
19 appointment from the mayor.

20 CHIEF CRUZ: Well, it depends on the town and how
21 the setup is. Yeah, but they're politically appointed or
22 elected.

23 MR. PETTEWAY: Understand my point I'm trying to go
24 to here: People that are from the city have no input at all
25 as far as the laws, the discipline to these police officers.

1 This gentlemen said it well: It's a code of blue. It's like
2 we're fighting a gang; it's us against them. That's the
3 mentality that exists, and that's reality.

4 Is there a need for civilian review boards? Is
5 there a need for a residency law? Absolutely.

6 MR. GRABARZ: Marge, if I could just answer his
7 question as well. What do you do, right? That's kind of what
8 you're saying. If I get you correctly, what you're afraid of
9 is that if you go to the police department and make a
10 complaint, that one guy is going to say to the other guy, You
11 know, hey, Jim, somebody just came in here and they made a
12 complaint about you. I think you've got to know who this is.
13 The next thing you know, this guy is back out on the street
14 and not only is he back out there with the attitude that
15 somebody complained about them, but now he's looking for you,
16 right?

17 I think you really have to be concerned about that.
18 If you make a complaint, I think you have to be concerned
19 about retribution because it does exist out there. Part of it
20 is understanding the power structure. If you go to an
21 attorney, that's not a big enough situation for any attorney
22 to make it worth his while or your while, even if you had the
23 money to pay for him, to take care of it for you. So that
24 avenue is closed off, so there's two.

25 Let me suggest something else: He's using his power

1 to intimidate you; you find a point of power within the
2 community you're in to intimidate him for your own
3 protection. You need to find a politician who is willing to
4 listen to you and get somebody who's above him or above the
5 police department to talk about, perhaps, an officer who is on
6 the street with a bad attitude.

7 MR. FRANCIS: That's very hard because the community
8 itself is not a whole. When people are not a whole, they're
9 going to fall apart if you don't have nothing to hold it
10 together. You really don't have a voice. They don't want to
11 be involved in something like that, going against the police.

12 MR. GRABARZ: Well, then you've got your job cut out
13 for you.

14 MS. GROSS: I'd like to come back to it if we have
15 time, but there is one other gentleman who's asked to ask a
16 question. That's Reverend Smallwood from the Bridgeport NAA.

17 REVERAND SMALLWOOD: As a citizen of Connecticut and
18 a resident of Bridgeport, I notice that there's no citizen
19 from Bridgeport on that committee as the state's largest
20 city. I certainly think we should be represented.

21 I'm making a statement partly on behalf of the
22 Greater Bridgeport chapter of the NAACP, where I serve; but
23 also, I would like to note that talking about these issues of
24 discrimination, particularly as it relates to the police
25 department, I had the pleasure or perhaps the challenge of

1 having served in the Air Force as an EOT relations
2 instructor.

3 One of the things that I remember is that it took
4 hard work to try to make a soldier a good soldier; as much as
5 I'm sure the chief realizes it takes to make a good officer.
6 One of the things I remember in the Air Force, in terms of
7 enforcement -- because I think that's where the real problem
8 is when we talk about these issues -- that every commander
9 used to know that at least once a year, he was going to have
10 to look at one of us going through his department,
11 interviewing every person in that department as to his or her
12 perception of racial harassment or sexual problems. He knew
13 he was going to have to see us at least once a year.

14 Not only was I the EOT human relations instructor,
15 but I was the same guy playing racquetball or basketball with
16 some of these other soldiers on a day-to-day basis. If there
17 was something going on there, it was highly possible that they
18 were going to talk to me about it.

19 I think that we could learn something from that in
20 our police departments and in our communities, where it is
21 such a difficult time getting these laws enforced, whether it
22 be an economic problem or just our general public attitude
23 about Affirmative Action. The enforcement is the problem. I
24 want to say that to the committee, and I believe all of you on
25 the committee already know that.

1 Just another brief point: I heard a gentleman talk
2 about the use of the legal system, and the legal system, I
3 think, has to be used in many of these situations; but the
4 legal system doesn't always find it an easy situation to deal
5 with either.

6 I got two complaints filed by a Bridgeport attorney,
7 one addressed to the Bridgeport Police Department concerning
8 information that the attorney requested from the police
9 department regarding a racial incident, and another to the
10 mayor of the city, in another situation where an individual
11 was shot outside -- this has nothing to do with the police
12 department, necessarily; but he was examined by EMS personnel
13 after he was shot and they told him that there was nothing
14 wrong with him, with a bullet hole in his side, and sent him
15 home, who later died in Bridgeport because he wasn't given the
16 proper attention.

17 The concern is real; I think all of you know that.
18 The growing concern -- this same attorney is calling a press
19 conference in Bridgeport today regarding the police
20 brutality/police misconduct issue, and we have to see more of
21 that.

22 The history of America is when you start seeing
23 people protesting and marching and shouting, generally
24 speaking, the history of this country has always proven over
25 and over again that a real problem is going on. We've got

1 folks marching, we've got them protesting, we've got them
2 calling public meetings.

3 There is a real problem going on, and I just hope
4 that through conferences like this, we just don't sit around
5 the table and wait for things to blow up. We don't need too
6 many Million Man marches and marches in Hartford, and we just
7 sit around the table drinking coffee and tea, talking about
8 problems that we know need to be addressed and need to be
9 addressed now.

10 So that's just my statement I want to make. I
11 commend you for trying to do something, but I exhort you to do
12 more.

13 MR. JOHNSON: I have a question of the panel in
14 reference to this young man's question about where to go with
15 a complaint. When this session opened, I heard Mr. Grabarz
16 talk about the isolated officer who was a problem and that the
17 vast majority of officers are good, decent people who want to
18 do a good job. I believe Chief Cruz also made similar
19 comments.

20 And yet, here we have a young man who has what
21 sounds like a legitimate complaint -- without knowing anything
22 else about it -- who is hearing from a police officer to go to
23 the Connecticut Civil Liberties Union and talk to an attorney,
24 potentially, and file a complaint so that this can get
25 addressed by the appropriate administrators within the police

1 department.

2 Then Mr. Grabarz says, Well, you've got to know how
3 the power structure works, and you've got to think about
4 retribution when you do that, and a lawyer is probably not
5 going to be helpful anyway. I don't see how those comments
6 were terribly helpful to this young man at all and, in fact,
7 may be sabotaging his trust in the police department and the
8 law enforcement agency in this community and in the legal
9 profession.

10 I would ask the panel to please give this young man
11 a much clearer guideline about how he should handle his
12 friend's complaint.

13 LIEUTENANT BEAMON: Let me clarify a little bit
14 about what I told the young man. First of all, I told him to
15 file a complaint with the police department. I can't say
16 whether or not it happened in Waterbury; I can only say what
17 our procedures are, to file a notarized complaint with the
18 Waterbury Police Department. But also keep a copy for
19 yourself; give it to an attorney. Things have tendencies of
20 getting lost, and it wouldn't be the first time it got lost.

21 My suggestion to the Connecticut Civil Liberties
22 Union, they're there to back you up, to ensure that your civil
23 rights are not being violated. I didn't say employ them, but
24 they could be notified of your complaint. Now you've got
25 yourself, you've got the three witnesses, you have your

1 attorney, and the Connecticut Civil Liberties Union looking
2 over your shoulder to make sure that your rights are not being
3 violated. Those are the proper procedures that you should
4 follow if it happened in Waterbury; that's all I can say, is
5 what Waterbury's policies and procedures are.

6 CHIEF CRUZ: I mentioned earlier that the first
7 thing that ought to be done is the report ought to go in
8 because, from the administrator's point of view, we're
9 helpless to do anything for that officer, as well as the
10 person who was abused, if that doesn't come to our attention.

11 Now again, keep in mind there are many times where a
12 person feels that they have been aggrieved, and when we get
13 into the finer points of personnel law, as we must because of
14 contractual obligations and federal employment laws being what
15 they are, the officer might not get disciplined, might not
16 receive training because it might not be substantiated at that
17 particular time.

18 But if another one comes in and another one comes in
19 and another one comes in, I know if I got three, in a very
20 short period of time, complaints about an officer's attitude,
21 mannerisms, physically touching someone when there was no need
22 to do so, whether it's substantiated or not, he's going into
23 the next training class for sensitivity and so forth.

24 He's also going to get a phone call from our
25 employee assistance program, the same one that he talked about

1 at Post, and he's going to get a little jingle at home,
2 probably from one of the counselors saying, Hey, is everything
3 okay? We're hearing some things.

4 A lot of times, it's not right, but, you know, we
5 all have bad days and sometimes we take it out on one of our
6 friends, our spouses. In law enforcement, sometimes we take
7 it out on our customers. I'm not justifying it; I'm saying
8 there are causes.

9 In any of those cases, we need to have the data. We
10 need to have something in our hands for us to do something
11 about it. That is the first step, is to come in and make a
12 complaint.

13 I have to say this: The easiest thing for us -- at
14 least, for me, as an administrator -- if someone comes in and
15 makes a complaint about an officer's comment, and the next day
16 that person, out of the clear blue sky, has either had a
17 criminal offense brought against him or a motor-vehicle ticket
18 issued to him by that officer, that's a real easy one for me
19 to deal with.

20 MS. GROSS: I want to ask a question myself:
21 Assuming that everything that's been suggested to you by the
22 panel is accurate and should be done and would help the whole
23 situation, is there an organization, in whatever town you're
24 describing, like the NAA or someone else who could go to bat
25 for you -- I'm saying "you," knowing it's not you -- so you

1 wouldn't have to handle this all by yourself? Is there some
2 other group that you can get to support your claim, aside from
3 the individuals involved?

4 MR. FRANCIS: Yes, there is, but I haven't really
5 looked into that.

6 THE CHAIRPERSON: I address this mostly to Chief
7 Cruz and Lieutenant Beamon: We can all understand if there's
8 a rotten apple in the barrel. What I want to know is, based
9 upon your experiences, do you find communities where this is
10 systemic, that it comes from the top down rather than from a
11 few people in between?

12 LIEUTENANT BEAMON: When you're dealing with small
13 affluent communities like Avon or Redding, Connecticut,
14 Bethel, where they're not used to seeing minorities driving
15 through, yes. The police department is only a reflection of
16 the community that they serve. It starts all the way from the
17 mayor on down, because the mayor would condone the attitude of
18 the police officer. The police chief would condone the
19 attitude. There's a degree of liability all the way up the
20 chain of command.

21 And yes, we have it in Connecticut because you have
22 your, quote, "lily-white neighborhoods." If you go down to
23 Greenwich and Cos Cob, you're not going to be running into
24 very many people who look like me. If they do look like me,
25 they're riding in back of a limousine with a shaded window. I

1 mean, you're talking about star quality.

2 But the basic citizen of Connecticut is going to run
3 into that problem if they drive through Rocky Hill; they're
4 not used to seeing blacks. There's an unsaid criteria of
5 driving down the highway, driving a Lexus; because you're
6 black, that gives them probable cause to pull you over. Or if
7 you're driving through Rocky Hill or Avon and you're black and
8 it's 1:00 in the morning, that gives them probable cause to
9 pull you over. Is it right? No, it's not right.

10 Can you correct it? The only way it's going to be
11 corrected is if the complaints are made. One complaint may
12 not do it, but the culmination of complaints against a certain
13 officer, a certain department, certain actions on individuals
14 in certain parts of the state, yes, it's going to make the
15 Connecticut Civil Liberties Union look up, the Civil Rights
16 Commission, the NAACP. There are organizations out there that
17 can do something, but the incidents have to be reported. We
18 have to know about it.

19 I'm not an administrator; I'm a supervisor. I was
20 in charge of a division dealing with approximately 1,200 to
21 1,500 kids a year, but we had officers that were abusing
22 juveniles. If I found out about it, I could do something
23 about it; but the parents did not say something. How am I
24 supposed to know? How is a police department supposed to
25 rectify the abuses if they don't know about them?

1 That's where the citizens -- you've got to get over
2 that fear. Like Chief Cruz says, if you got arrested the next
3 day after you made a complaint or you got a ticket after you
4 made a complaint, that only makes our job a whole lot easier.
5 That individual would be suspended because -- whether it was
6 or it wasn't, it looked like retaliation against you because
7 you made a complaint against them. We're there to serve you,
8 just like we're there to administer to the police officer
9 that's on the street also.

10 MR. PETTEWAY: It's a national problem. President
11 Clinton has addressed the death of Princess Di, the UPS
12 strike; but now you have the Rodney King issue, Johnny Gamage
13 (phonetic), Abner Louima, and nobody has come out and made a
14 comment on it. So it's not a concern of all America. It's a
15 black and white issue; it's that simple.

16 LIEUTENANT BEAMON: It's more than just black and
17 white. When you say money, economic levels, yes, it's a
18 problem there too; but it goes from one coast to the other
19 coast. At one point in time, I thought that Waterbury was
20 bad; then I thought the state of Connecticut was bad. Now
21 I've found out it's all across the entire country. It's not
22 festered by the police department itself; it's individuals
23 that get out there and that abuse the power and the privilege
24 that the citizens give them.

25 CHIEF CRUZ: I would just like to say that those

1 particular instances that you have made reference to, Rodney
2 King, Louima, and so forth, I don't know a police
3 administrator around that has not said that those officers
4 ought to be dealt with at the most severe manner possible.
5 It's within our criminal justice system; they have rights
6 too.

7 Just because a cop violates a law doesn't mean that
8 we now can violate all of his rights. He is now a criminal
9 accused, and he is entitled to every safeguard as everybody
10 else. As frustrating as that is, I still think, at the end,
11 they're going to be dealt with severely.

12 MR. PETTEWAY: You do it with citizens. There are
13 citizens that are incarcerated and it's not proven that they
14 have done anything wrong, but yet when you have police
15 officers that deal drugs -- you had the Serpico case; he has
16 come back to the state of New York and said that this is still
17 a pervasive problem with police misconduct and police
18 corruption.

19 CHIEF CRUZ: I don't think you were here at the
20 beginning, this morning. I acknowledged that police
21 misconduct exists. I acknowledged that.

22 MR. PETTEWAY: The Justice Department should be
23 here; they're the ones to deal with the issues.

24 CHIEF CRUZ: I will also get back to one other thing
25 that my colleague has mentioned. I will tell you something

1 that we had done, that we instituted many years ago: Every
2 motor-vehicle stop that an officer makes in our town, the sex,
3 age and race of the person stopped is recorded. We wanted to
4 keep statistics.

5 We wanted to look at these statistics to see if
6 there was a disproportionate number of stops, not only for
7 race, but, certainly, for gender and the age, regardless of
8 gender, because we do have a bunch of young officers.

9 MS. GROSS: I'd like to ask one question relating to
10 the drug issue that you brought up: 85 percent of the
11 offenders have had some history of drug use. Wouldn't it help
12 if we recognized that this is a problem that requires
13 treatment and alternatives to incarceration, rather than make
14 both the police and the prisons deal with the situation, which
15 has caused more animosity?

16 CHIEF CRUZ: I totally agree with you. I have to
17 say that among my colleagues at this level, I'm in the
18 minority. The politicians today just aren't talking that
19 because the winds are not blowing in that direction anymore,
20 and everything is to putting these people in jail.

21 No one is -- you know, it's like standing downstream
22 when the mosquitos are biting us, and no one goes upstream to
23 see what's cultivating all of the mosquitos; that's where the
24 emphasis has to be, at the national level, and everything is
25 toward jail, jail, jail. No one is looking at the root causes

1 of these people and their drug use at a very, very early age.

2 MR. PORTEOUS: I don't know what the protocol is;
3 I'm going to be a panelist this afternoon. David Porteous; I
4 work for the Connecticut State Police. I'm suggesting this --
5 well, both in my job and what I know -- the question you
6 asked: drug courts.

7 I can't remember the gentleman down in Miami who
8 started this whole thing a number of years ago; we have now
9 hundreds of what are called, specifically, "drug courts"
10 around the country. We have one in New Haven. This is an
11 alternative to incarceration.

12 It takes nonviolent offenders and says to them, You
13 clean up your act, you get a job tomorrow, you're in
14 counseling, rehab, job training, education, the whole nine
15 yards, all the services. That's an alternative. The
16 long-term record, the research on the long-term record is
17 dynamite; the recidivism after about five years is only around
18 about 15 to 20 percent.

19 That's an alternative. Politicians need to pay
20 attention to these alternatives. But New Haven has such an
21 alternative in action today. I just do what little I can to
22 distribute information about this when I'm getting around the
23 state, so there is an option.

24 CHIEF CRUZ: My only comment to that is, yeah,
25 there's one; and we're moving so slowly on this problem that

1 we're almost going backwards.

2 THE CHAIRMAN: It's going to be time for our lunch
3 break. We'll be back for the second section on hate crimes at
4 1:20.

5 By the way, you should know that the police officer
6 in Avon who was affected by that ruckus, we were very happy to
7 hire him in Bloomfield. You can't get enough of those good
8 people. The same day that he was going to be let go, we hired
9 him. We look forward to getting officers like that.

10 The one who was stopping everybody, who was
11 criticized by his superiors for doing it and causing the
12 problem, we hired him in Bloomfield. He was part of the group
13 who was told to stop them.

14 MR. FRANCIS: I just want to say in closing that
15 police brutality is something that's like an epidemic. It's
16 not going to go away by talking about it. I see it's going to
17 reach to the boiling point, where serious things are going to
18 happen. It's an us-against-them situation, and that's when
19 people are going to finally wake up and realize that we have
20 to make dramatic changes.

21 This was very educational. I just want to say that,
22 and I'd like to thank you all very much.

23

24 (A luncheon recess was taken from approximately
25 12:20 p.m. until 1:34 p.m.)

1 THE CHAIRMAN: Good afternoon. This is the fourth
2 and final session of the Connecticut Advisory Commission for
3 the United States Commission on Civil Rights. Today's session
4 will deal with hate crimes in Connecticut, and the moderator
5 for today's session is Jack Hasegawa.

6 MR. HASEGAWA: I'm going to stand up because I have
7 to speak in both directions to colleagues on the committee and
8 on the panel. I think once we get started, the panel will
9 simply work from over on this side.

10 As you know, if you read the national press, hate
11 crimes are reported as recently as Monday, in U.S. Today, as
12 being a rising problem in the United States. The difficulty
13 with that is it's very hard to know exactly what it is that
14 we're counting. We have different definitions.

15 In Connecticut, for example, sexual orientation is
16 included as a protected category; but in the federal faction,
17 it is not. We've had this discussion on our committee when we
18 raised the issue of hate crimes. We're going to focus on the
19 issue of hate crimes in Connecticut, and we will make a report
20 that we'll make to the Federal Commission that we should be
21 aware that there are going to be some differences in our
22 approach to these issues on a variety of levels.

23 We have, I think, a very strong panel. Let me
24 acknowledge who they are, and then we'll go in this order.
25 The first person that you'll meet today is David Porteous, who

1 is a trainer with the state police, and he'll tell you more
2 about himself and what he does.

3 From many sources, as I tried to talk to people in
4 the state who know about hate crimes, David is probably the
5 leading public authority on hate crimes, both locally, what
6 they mean for us in Connecticut, and also a division of what
7 this is like nationally.

8 David, we're very pleased to have you with us.

9 Robert Leikind is the regional director of the
10 Antidefamation League here in Connecticut. Both as a personal
11 interest and as a professional responsibility, he has been
12 tracking hate crimes not only in the state of Connecticut, but
13 also with a view to what's going on across the nation. This
14 is a special interest and concern for the Antidefamation
15 League. He also, I'm sure, will tell us more about himself.

16 The last panelist present is Maureen Murphy, who is
17 an attorney in private practice in New Haven, who, as an
18 attorney, has represented a number of hate-crime victims
19 through the civil process, our laws in Connecticut, in that
20 respect. Maureen will give us a very close-up and intimate
21 vision of not only the remedies, but perhaps the impact that
22 hate crimes have on people who are seen now as individuals
23 rather than large groups.

24 I also want to say that we had invited Jewel Brown
25 from the Commission on Human Rights & Opportunities. He

1 called to say that he had had an unexpected conflict. As you
2 know, CHRO does this kind of hearing as their regular job, and
3 a hearing has come up unexpectedly, for which he was
4 responsible.

5 Americo Santiago, the fifth person invited, is the
6 assistant secretary of state. His responsibility in the
7 Secretary of State's office is also the tracking of hate
8 crimes in Connecticut for the Secretary of State's annual
9 report about the state of the state of Connecticut. In the
10 section on crime, with this secretary of state, Myles
11 Rappaport, and Americo Santiago, reporting of hate crimes has
12 now become a feature within the secretary's annual report, and
13 will continue to be there from this point forward.

14 Americo was also a state legislator and one of the
15 cosponsors of the bill which resulted in the Connecticut Hate
16 Crimes Bill. Unfortunately, he also, in the Secretary of
17 State's office, had some distractions today, and could not
18 come.

19 I did want you to know that they were also invited
20 and intended to come, and they send their regrets. So without
21 any other -- David, perhaps you could begin.

22 MR. PORTEOUS: Thank you for the invitation to be
23 here. I'm going to remove this; what was to be a visual
24 enhancement is now a visual obstacle for me to see you, if I
25 sit over here, and for you to see me.

1 My responsibility is as a trainer with the Crimes
2 Analysis Unit of the division of State Police State Department
3 of Public Safety. Can everyone hear me if I simply elevate my
4 decibels a little bit? Can you hear back there? Okay, good.

5 Anyway, if a screen arrives -- because I'm one of
6 the those persons who recalls based on my visual rather than
7 my auditory recollection, in most cases, I'll make sure to get
8 the screen up quickly and be able to throw the information on
9 overhead projector so that all of you can see it. Given the
10 absence of that, we'll move forward.

11 The Crimes Analysis Unit within the state police
12 collects data on crimes across Connecticut, under state
13 mandate and under federal, both mandatory and voluntary
14 reporting programs. We collect information on, in addition to
15 hate or bias crimes, on family violence, as mandated by the
16 Connecticut general statutes, on gang offenses, as mandated
17 under the Connecticut general statutes, and on what's called
18 the Uniform Crime Reporting Program, which is the eight major
19 offenses.

20 When you read about crime in, you know, New Haven,
21 Hartford, Waterbury, Connecticut, or the United States, that
22 data is from the Uniform Crime Reporting Program, a program
23 set up in 1930 that has been operating ever since with only
24 one little change with the addition of arson in 1977. It's
25 the eight major crimes: murder, rape, robbery, burglary,

1 aggravated assault, larceny, motor-vehicle theft and arson,
2 and that's it.

3 There are some other crimes that are considered
4 serious crimes, like kidnapping and other types of rape that
5 are not reported in that program. I'm going to mention a new
6 type of reporting system at the end of this presentation, just
7 so you understand that there's something that's going to give
8 us a much more complete picture, called the National Incident
9 Based Reporting System. It's replacing the Uniform Crime
10 Reporting System. It's going to be about 46 offenses instead
11 of eleven, and it's a wide range of information on victims and
12 offenders and arrestees and so on, that gives a very detailed
13 portrait of what's going on.

14 So we have a number of responsibilities, and my
15 training -- and as I call it, a quality-control role within
16 the crimes analysis unit -- covers all of those, so my plate
17 is full.

18 By the way, I understand by the protocol here that
19 I'm to make a presentation and you're to ask questions. My
20 protocol, when I'm making presentations, is that you ask a
21 question whenever it comes to mind, because if you don't, you
22 might forget; and also, that there aren't any dumb questions.
23 That's just kind of a code that I take through life. I also
24 ask questions whenever I have them. So whether you're allowed
25 to or not, that's up to you, but I'm quite open to taking

1 questions whenever you ask.

2 We receive the information I'm talking about for
3 reported incidents, in hate crime as well as all the other
4 crimes, reported to police departments in Connecticut. There
5 are 100 such agencies. This means if the department does not
6 receive a report, then we will never know about it, and that's
7 a critical step.

8 Our mandatory responsibility is to make sure that
9 those reports are credible, are complete, are accurate; and we
10 read every hate-crime report, every family-violence report
11 that comes in to make sure that it is credible and complete
12 and accurate. We return them to the departments and ask for
13 further information if we have any kind of quality problems
14 with the information.

15 What happens out there that isn't reported to the
16 police department and doesn't get reported to us, we won't
17 know. I'm stating that because there is a limit, and I can
18 only speak to what we know about that's in the public domain;
19 and I'm going to be very scientific in answering any questions
20 in that regard, because it's easy to make suppositions about
21 what we don't know about.

22 We've found in our experience, my colleagues in our
23 office, that there usually isn't a single simple answer to any
24 kind of question about why crime went up or down or is
25 underreported or overreported or whatever. So we're careful

1 in addressing our speculations on why something is going one
2 way or the other.

3 Anyway, we receive these reports from all of the
4 police departments in Connecticut, and they are to report on
5 the hate crime program, if they have zero incidents of hate
6 crime reported to them. So we have 100 percent reporting,
7 even if it means that there were zero hate crimes for this
8 month or this year or whatever. That's important because that
9 means an affirmative action by the police department is
10 officially saying, We have no reports of hate crime. That's
11 something for you to keep in mind when we look at some of the
12 data.

13 The statutes you have in front of you, contained
14 within this handout, at the back of this handout, after the
15 statistics, you've got a two-page detail on statutes. It
16 starts out with the statute that mandates our responsibility
17 for recording, classifying, and monitoring all crimes
18 committed in the state motivated by bigotry or bias.

19 The important thing to understand is that any crime,
20 any crime that has a factor of bias in it, as defined under
21 state statute or for reporting purposes, at least, under
22 federal law, now as of January 1st, which includes mental and
23 physical disabilities, any of those crimes that have the bias
24 factor in them are then a bias crime.

25 In addition, you've got on these two pages, crimes

1 that are specifically addressing bigotry, bias, hate-crime
2 offenses. There are certain kinds, such as the cross-burning,
3 ridicule on account of race, creed, or color, deprivation of
4 civil rights by a person wearing a mask or hood, those are
5 very limited, specific ones; but any crime that's committed in
6 Connecticut, when it can be demonstrated that there's a factor
7 in there of hate or bias, is to be reported to our office.

8 The reporting system for doing that is on the next
9 page of the material in your hand, which is the bias crime
10 report. This form was developed by the State before there was
11 a federal program for reporting; therefore, we use this form
12 instead of the federal reporting form for collecting data. We
13 are collecting the same data as the federal government
14 requests, and we updated this as of December of last year to
15 include disability, which you can see is on the second page of
16 the form.

17 Basically, it's self-explanatory. If we want to go
18 into discussing it, it gives us some basic information about
19 the crime. Not all crimes are on there, actually; but we do
20 have an "other" category where you can put any other that
21 isn't included. We have injury information, location
22 information, and so on. This is just generic; no names or
23 addresses.

24 Then, basically, what I'd like to do is to give you
25 a picture of bias crime in Connecticut with regard to what

1 went on in 1996. Since we're not using the overheads, what
2 we'll do is we'll take a look at this handout; and, again,
3 it's hate crime in Connecticut. This is just for 1996.

4 What I'd like to do is just take you through a few
5 of the pieces that I had selected as being pertinent to giving
6 you some overview. First of all, the lower left of the first
7 page, it says page 95 at the bottom -- this is from our total
8 report on crime in Connecticut for the year 1996 -- you can
9 see a picture of 1989 to 1996, when we began gathering data
10 for a full year, on through last year.

11 Generally speaking, with regard to four different
12 categories that are on here -- race, religion, ethnicity and
13 sexual orientation -- you can see a general trend upward for
14 reporting about crimes for race.

15 By the way, I always use the word "reporting"
16 because we have to distinguish between the crimes that may
17 occur out there that aren't reported to us, and what does get
18 reported; we are giving you information on what does get
19 reported. But there is -- at least, a line could be drawn
20 through this to show that there is some trending upward in
21 terms of race-related crime.

22 Next -- and, you know, you can see some -- it's hard
23 to see; there's some trending in terms of religion, although
24 it appears more, kind of, plateaued or flattened. Additional
25 ones don't seem to have been reported on a higher rate for the

1 last few years.

2 Then when it goes to ethnicity, that's somewhat
3 trending upward; sexual orientation is somewhat plateaued for
4 the last few years, reported crimes.

5 The next piece to take a look at here on the right,
6 the graph entitled, Hate Crime Offenders. Who do we know
7 about that are hate crime offenders? A third, we don't know;
8 36 percent, unknown. We do know that of the hate crime
9 offenders -- and we'll have more detailed information in a
10 chart later on -- single offenders are about 43 percent; close
11 to half of them, therefore, are not organizations, as far as
12 we can tell. Two or more offenders, 20 percent.
13 Organizations, less than one percent.

14 To try to give you a picture of, you know, how much
15 of what we show is organized in the sense of organizations or
16 groups of people; from what we can see here, not that much. I
17 mean, not a majority, at least, of what we know; the majority
18 are single offenders.

19 If you go to the next page, "Hate Crime Bias
20 Motivation," this is a fairly telling little piece of
21 information. This table, if you go down and look under
22 "Racial" and the category "Antiblack," you will see 45.5
23 percent of all of the incidents in 1996 were antiblack;
24 therefore, we're talking about the largest percent, far and
25 above any other, of victims of hate crime in Connecticut in

1 1996, of those reported to our office, were against
2 African-Americans. Very large.

3 The next largest group is antiwhite, 14 percent.
4 It's less than a third of the antiblack, and then you go from
5 there to -- very close number -- down to religious,
6 anti-Jewish at 13.3 percent. From there, down to ethnic
7 national origin, anti-Hispanic is 7.7 percent; and then sexual
8 orientation is very similar in numbers. Antimale, homosexual,
9 is 7 percent. The rest of the victims, from our information,
10 are very close and in much smaller numbers.

11 That gives you some understanding of what's
12 happening, that's reported to police departments; and usually,
13 they're serious if reported to police departments. It's our
14 experience in this, therefore, there's reason to believe that,
15 at least, we're talking about a generally serious array of
16 offenses here, committed, first of all, against
17 African-Americans, and then going down from there.

18 "Extent of Injury and Damage," look at the other
19 table on that page; you can see that medical treatment was
20 required in almost 8 percent of the cases. There was physical
21 injury, no medical treatment, in another approximately 10
22 percent. Then, you know, "Property Destroyed and Defaced" is
23 about 40 percent, and "No Physical or Property Damage" is
24 another 40 percent. Those are the majority of cases here.

25 Now, one of the things that's very important to try

1 and understand -- and I'm going to step away from the
2 statistics for a second, before I get to the next chart here
3 on "Hate Crime Locations"; because the hate crime locations
4 jumps out because residences are the places that are most
5 affected.

6 We've got this thing that, you know, your home is
7 your castle, your home is your refuge. Your home is your
8 place of retreat, your place to be safe, to have some solace
9 to be with the people that you've chosen to live with. Of
10 course, if you're the kids, you've not chosen, necessarily;
11 but your family refuge, shall I say.

12 We find that this is the place that is attacked most
13 often, that this is the place where people should feel their
14 safest, where they are most frequently under attack, which is
15 related to the fact that hate crime is different from the
16 other kinds of crimes that we look at. We look at family
17 violence, and family violence has to do with the fact that, "I
18 don't like you because you're my live-in or my wife or
19 whatever, and I beat you up. I've got this personal thing."
20 Or, you've got murders, which are sometimes personal and
21 sometimes not. You've got rapes and robberies, which, you
22 know, vary from strangers to people being known.

23 Hate crime is because you have characteristics that
24 you cannot back away from, that you cannot change, that you
25 have to live with, whatever those characteristics are.

1 Whether it's your race, your religion, your ethnicity, your
2 sexual orientation, your disability, you are being attacked
3 for something that you cannot change, and you are often
4 attacked in your home.

5 It makes it, in that respect, a very fearful crime
6 for the victims; and I urge you to try to understand that this
7 nature of hate crime, as distinct from any other kind of
8 crime, makes it very hard for the victim to ever feel as if
9 they have a place of refuge; not only because their home was
10 attacked, but because it is who they are that is being
11 attacked.

12 MR. KAELIN: David, let me accept your invitation to
13 ask a question. On the previous chart, with the extent of
14 injury of damage, the 40 percent for no physical or property
15 damage, can you give us some examples of what kinds of crimes
16 you're talking about, where there is no physical or property
17 damage?

18 MR. PORTEOUS: I had arranged the charts in a
19 different order in order to have that question answered. The
20 offense types, we're going to look at offense types. You're
21 talking about intimidation or threatening. You may not be
22 touched, but I may -- in police work, we often use our own
23 selves as examples -- "I'm going to come after Robert because
24 I hate his guts."

25 There's no way in hell that I'm going to let him

1 step out of whatever category it is I put him in, whether he
2 really is the gay man or whatever it is that I believe he is.
3 I'm telling him that if he does some behavior, "If you ever
4 come to my house, if I ever see you on the street, if I ever
5 see you in that bar again, I'm going to beat the" -- you
6 know -- "out of you."

7 That is a good portion, because when you look at the
8 offenses in here, there is -- maybe we ought to do that,
9 because I just touched on the locations piece -- but to answer
10 your question, if you look at the types of hate-crime
11 offenses, we have a range that can be assaultive to
12 threatening.

13 Start looking at the chart with assault at 20.3
14 percent. These are charges brought; these are actual charges
15 brought. These aren't what we call the "UCR category," which
16 is a different standard. If an officer brings a charge of
17 assault 1, 2, or 3, then somebody was in a fight in the great
18 majority of the cases.

19 I work with, as I said, all the police departments
20 in the state. When we see assault 1, 2 or 3, we know somebody
21 was in a fight. It's a rare case that there wasn't some
22 physical exchange. You get to intimidation and threatening;
23 those are not. But breach of peace and disorderly, which
24 account for almost another 20 percent, they can be threatening
25 seriously or they can be a fight.

1 It depends on the arresting officer, the department
2 policy, and the individual officer. Many times, people are
3 arrested for disorderly when they've been in a fight; in
4 another police department, they might get arrested for
5 assault.

6 So it's a long answer, but it gets to an important
7 point: What kinds of offenses do people get charged with?
8 Threatening and intimidation cover a fair number, and my guess
9 is that some of those breach of peace and disorderlies are in
10 that domain also, that they didn't result in a fight per se.
11 Does that help?

12 MR. KAELIN: Yeah, it does.

13 MR. PORTEOUS: The numbers don't always add up
14 perfectly because we're talking about a set of categories that
15 wasn't designed, from a scientific standpoint, with the law in
16 mind.

17 Just a couple of other things here on the
18 statistics: One is that you have in your handout a list of
19 1996, every department that had at least one incident reported
20 of a hate crime; this amounts to 49 agencies. The rest of the
21 agencies, the other half of the state, reported to us that
22 they had zero hate crimes for 1996.

23 What I'd like you to do at this point is to take a
24 look at this piece of documentation. You have here -- if we
25 need to, we can go into it. We've got what's called the "Hate

1 Crime Reference Card," the first page. This and, actually,
2 the following couple of pages are handouts from the FBI; and
3 this gets into the kind of criteria that they use for
4 ascertaining whether or not a hate crime has existed.

5 They also suggest that every police department have
6 a second tier, someone else in the department besides the
7 investigating officer, who looks at every claim of hate crime
8 and says, Yes, it is or is not, or, We need further
9 information to determine if it is a hate crime or not. That's
10 noted in the block down below at the bottom of the page, the
11 second tier of review. As far as we know, it appears as if
12 there's only one department in the state that has that second
13 tier of review and has a bias crime unit per se.

14 Anyway, these are some of the criteria that are
15 looked at, and this is the kind of criteria that our police
16 departments have on what to look at in investigating potential
17 hate crimes.

18 A few other sheets here; I'll just explain one of
19 them: On the back of this sheet, "Sources of Information for
20 Responding to Hate Crime," and the number of organizations,
21 mostly private and a few public, across the country, that can
22 be contacted, that have information on hate crime that can
23 help people to get a picture of what's going on for particular
24 groups on a national scale.

25 THE CHAIRMAN: David, let me ask you a question: In

1 regard to these sources of information in responding to hate
2 crimes, I wanted to know whether your department uses, as a
3 cross-check, maybe, reports from these organizations that you
4 might solicit, and then compare it to what the police turn in
5 to you, to see if there are corresponding numbers.

6 Because many times, without impugning the police, I
7 look at Hartford and I see a very small number of hate crimes;
8 yet, if you talk to organizations here that may have
9 representatives in Hartford, you're liable to end up with five
10 or ten times as many hate crimes. So it would give you some
11 kind of a feel whether the data you collect from the police is
12 actually representing an honest number.

13 MR. PORTEOUS: That's a good point. I'll look at
14 that question and see what we can do to get that picture
15 better internally. I think that we'll get into that issue
16 somewhat as the presentation here progresses, but it is always
17 a question of how much occurs that doesn't get reported.

18 We only see overreporting; we can't see
19 underreporting from our role in the system. Though we have
20 taken some steps -- and I'll mention those in a few minutes --
21 to try to correct that as much as I can. But that's a good
22 point.

23 The problem is that the best data is the FBI data;
24 that's national, on everything. That stuff doesn't get
25 published. It gets published so many years after the

1 occurrence that it's not like the other UCR data that gets
2 published within, usually, about nine months or so after the
3 end of the year. The hate-crime data is -- I don't know.
4 I've got to track that down and hassle some of our friends at
5 the FBI about getting that out on a more timely basis.

6 Another piece of information here -- and this,
7 again, was -- the FBI passed this out at a training session we
8 had last year -- is the Turner Diaries. Some of you may have
9 heard about the Turner Diaries. I know that I had already,
10 and I don't know from where; but -- written by a white male
11 named William Pierce, who I guess lives in West Virginia now.
12 He's head of the National Alliance, and this is just one of
13 the most frightening books you could ever imagine.

14 There is a lot of correlation between the specific
15 actions recommended in this book and the Oklahoma City
16 bombing. You don't think of that as being a hate crime. You
17 know, once you look at the fact that the truck was loaded with
18 almost exactly the same amount of ammonium nitrate as Turner
19 recommended in the Turner Diaries -- actually, as William
20 Pierce recommended. It was almost right, the same date and
21 same time of day, et cetera.

22 There are so many similarities that you might think
23 that the persons who did the Oklahoma bombing -- and I say
24 "persons" because of my own personal beliefs about the
25 multitude that were involved -- took this book as their

1 guideline to do that. So this is another piece. The FBI
2 takes it seriously, so we take it seriously.

3 Another piece -- and the last piece here from the
4 FBI -- is this "Potential Trouble Dates: A Radical Right
5 Calendar." This was from Clan Watch Intelligence Report,
6 February 1992, just to give organizations such as
7 organizations -- you know, any kind of civil rights
8 organizations some sense of what to look out for in terms of
9 the organized groups that are out there doing this on a
10 systemic basis, because they have their own calendars and,
11 therefore, the crimes may follow those calendars. In some
12 cases, they do follow the calendars.

13 The last piece here is some information that gives
14 you data from 1993, I think. *The latest I had information for
15 on hate crime -- yeah, 1993 hate-crime data, national. This
16 is just a short, front and back, publication from the U.S.
17 Department of Justice, some facts about the national
18 perspective.

19 Just two last quick things: A question was asked,
20 How do you increase the reporting of hate crime in
21 Connecticut? Our answer is twofold: First of all, you make
22 sure that the police departments have the training they need
23 to know that it's a crime, this is how to you identify it,
24 this is how you report it.

25 It turns out that last month, after some lapse -- it

1 had been a while since we'd had this -- we had the FBI in to
2 do training on hate crime identification and reporting for all
3 Connecticut police departments. We invited everybody. I
4 think it was about half of the departments in the state that
5 appeared and received that training, and, you know, I would
6 think in the great majority of them, they would take it back
7 to their departments; because that's what they were supposed
8 to do, and do training with their local officers.

9 The second step, which is not a mandatory
10 responsibility of our office, but something that is important
11 to get done and it is critical, is to increase public
12 awareness that these crimes are illegal, that these are
13 crimes, that these actions by people out there, in fact, are
14 punishable. They can be and should be prosecuted. A lot of
15 people don't know that there are hate crimes, and to make a
16 point in the most dramatic and wonderful way that's possible,
17 we're going to take a quick look at New Haven.

18 New Haven took initiatives, that are continuing to
19 this day, starting in 1996. They increased the reporting of
20 hate crimes. In 1995, they had 13 hate crimes reported; in
21 1996, they had 20 hate crimes reported. That's an increase of
22 54 percent.

23 They did it by putting up these posters. They sent
24 a thousand of these out all over the city to civic
25 organizations, cultural organizations, religious

1 organizations, everywhere they could. You see on the very
2 bottom of it, it's got a phone number, your standard clip-off,
3 and you call it in if you want to use a phone number. They
4 also distributed bookmarks. They distributed these bookmarks,
5 so it was a smaller something that people can take up and, you
6 know, take home and have with them.

7 They are also, now, with your federal tax dollars
8 and mine -- and I think it's a very good use of my federal tax
9 money -- doing a number of things to increase awareness of the
10 fact that hate crime is a crime, and that reporting it is
11 necessary.

12 They have some T-shirts. I just got one T-shirt,
13 but I like it. They have buttons, and they have pens and
14 bumper stickers, all of which are giving messages that this
15 whole city is going to know even better than it did in 1996
16 that these are crimes. It made a difference in reporting.

17 One other very important point about public
18 awareness in reporting and seeing the incidents that are
19 reported increase, so far this year -- and this is just so
20 far, and so it's tentative dated; who knows, you know, it
21 could change -- but so far this year, the number of incidents
22 are down from 1996.

23 Hate crime is one of those crimes where getting the
24 public to become aware and report it and then arresting and
25 prosecuting offenders can, in fact, drive it back down,

1 because this is one of those crimes of opportunity. If the
2 persons think they're going to get away with it and their
3 motivation is solely hate, then they're going to do it; but if
4 they don't think they're going to get away with it, if people
5 start getting arrested and prosecuted, then you've got a
6 lesson that changes behavior.

7 So it can make a difference. You know, it's great
8 to be able to say that once in a while about crime; and
9 actually, police departments in other -- not just hate
10 crime -- are making a difference in crime in other ways around
11 the country, but it really can.

12 So that New Haven experience is something I just
13 want you to always keep in mind, that the ideal would be that
14 we had the same kind of proactive departments, agencies
15 throughout the state; because I would guess that we'd see the
16 same kind of trends occurring.

17 Okay, last, just real quick thing: You have a
18 little flyer that's called NIBRS. This has to do with a whole
19 new system of reporting that's now active in 17 police
20 departments, and will be in 30 within the next three months.
21 We would hope by the end of next year, it would be in 40 or
22 50, which is 40, 50 percent of the police departments in
23 Connecticut. There are some major departments that are
24 looking to join this too. When we get a few of the big
25 cities, then everybody else will say, I've got to get on

1 this.

2 What this is, as I mentioned much earlier, is giving
3 you a much more detailed picture of what goes on in crime.
4 You get victim and offender data. For every assault, you find
5 out what kind of weapon was used, what kind of injury
6 occurred, as well as the victim and the offender location.
7 You can put this together to be able to picture what's
8 happening out there. It can be used for crime prevention, for
9 investigative purposes, as well as to give the public and the
10 legislature a better sense of what's going on and what we need
11 to put our resources into when it comes to further crime
12 prevention. Thank you.

13 MR. HASEGAWA: I hope everybody took notes for
14 questions later.

15 MR. LEIKIND: Rob Leikind with the Antidefamation,
16 League, Connecticut office. I'm the regional director. I was
17 asked to talk about comparing phenomena with hate crime in
18 Connecticut with what's going on federally. I was prepared to
19 make some generalizations about what's going on with hate
20 crime in Connecticut, but I think after Dave's comments,
21 that's not necessary, and I'll just move on to what was the
22 more important point, which is it's very hard to make any
23 comparisons between what's going on in Connecticut and
24 federally. In fact, for some of the reasons that Dave said,
25 it's very hard to even know what is happening either federally

1 or in Connecticut with the phenomena of hate crime.

2 I'd like to expand on that a little bit. First,
3 with regard to hate crimes on a national level, last year the
4 FBI, which collects the data under the Hate Crime Statistics
5 Act of 1990, reported that there was about 9,584 agencies in
6 the country -- not about; that's how many -- that actually
7 reported on whether or not there were any hate crimes in their
8 area and how many.

9 That roughly covered 75 percent of the population in
10 the United States. They reported from those -- I should say,
11 it was 17,000 jurisdictions that might have reported. The
12 total number of incidents that they reported, from those
13 roughly nine and a half thousand jurisdictions, was 7,942, of
14 which race constituted 4,837; religion, 1,273; sexual
15 orientation, 1,019; and incidents arising out of ethnicity or
16 national origin, 814.

17 Perhaps the most significant data from this
18 compilation is that of those nine and a half thousand agencies
19 that reported to the FBI, 8,024, or about 84 percent, reported
20 zero hate crimes. When you take a closer look at the data,
21 you really begin to get a sense of how it's really not very
22 credible, not because the FBI isn't doing a good job in
23 collecting the information, but because it's dependant upon
24 the information that, in fact, is being reported to it.

25 There were seven states that reported ten or less

1 incidents: Arkansas, Louisiana, and Mississippi. Analysis
2 among the hundred largest cities in the country, eleven
3 reported no hate crimes at all, including New Orleans, Miami,
4 Toledo, and Raleigh. Of those same 100 largest cities in the
5 country, there were a whole series that reported only one:
6 Jacksonville, Richmond, Dayton and Bakersfield.

7 Others: Washington, D.C., 4; Baltimore, 4; El Paso,
8 3; San Antonio, 5; Cleveland, 6; Detroit, 9; Milwaukee, 5;
9 Tucson, 5. You start to get the picture. It gets dimmer when
10 you realize that there are a whole series of the 100 largest
11 cities in the country that didn't even report, including
12 cities like Indianapolis, Charlotte, Honolulu and Nashville.

13 What we have is a system that's designed to give us
14 information but, in fact -- and again, I don't think this is
15 any fault of the FBI at this point, at least not that I would
16 be aware of -- that we're getting data in, but we're not
17 really getting a sense of what the phenomena is.

18 Now let's look at Connecticut, because we have -- I
19 need to say parenthetically, because it's important. The
20 Department of Public Safety, as I understand it -- David,
21 please correct me if I'm wrong -- has had the responsibility,
22 since this hate crimes reporting statute was enacted in 1988,
23 to gather data on hate crimes here in Connecticut. They have
24 done so, and I think, you know, you see here part of the
25 report, and you see the quality of the reporting they've

1 gotten.

2 However, there was a defect in the original statute,
3 and that defect essentially was that the Department of Public
4 Safety was required to gather data; but none of the municipal
5 police departments were required to report it.

6 The ADL was involved for quite a few years in trying
7 to get the statute amended. We found a lot of difficulty in
8 doing it because some people considered that we were trying to
9 put in place an unfunded mandate, even though we basically
10 contended, in fact, that there was no expense to this.

11 Last year the hate crimes reporting statute was
12 amended, so what we may begin to see more comprehensive data.
13 What will become very clear is that that alone isn't going to
14 solve the problem.

15 Let's take Bridgeport and New Haven. Over the last
16 eight years, New Haven has reported 76 hate-crime incidents to
17 the Department of Public Safety. Bridgeport, 11; enfield has
18 reported 24; East Haven, 2. Guilford has reported 15; next
19 door in Madison, 3. Meriden has reported 19; Middletown has
20 reported 1 over an eight-year period. Orange has reported 26;
21 Trumbull has reported 4. Norwich 44; New London, 13.

22 This is over eight years. This is the data that
23 they've reported over an eight-year period. The picture you
24 get here is that some communities are taking a somewhat more
25 aggressive approach to reporting hate crimes, but we can't

1 even really be sure, because of a number of other variables,
2 how aggressive the communities with the higher numbers are in
3 reporting it.

4 There are a number of other variables: One is that
5 -- again, Dave, if I'm getting this wrong, please tell me --
6 reports of hate crimes themselves -- this may result in
7 inflating the number of hate crimes -- reports of hate crimes
8 are not dependant upon whether there's an arrest or
9 conviction. The police officer involved has to find probable
10 cause to say that there was a hate crime, but the actual
11 reporting of the hate crime numbers is not related to the
12 ultimate disposition of the case.

13 Whether or not, in fact, the case was proved, if it
14 was dropped, none of that affects the data we have. So it
15 could be that in some instances, items that were actually
16 reported, in fact, upon further investigation, really were
17 not. So that muddies the situation more.

18 What you end up with here is a situation where,
19 really, the data we have is in some ways very limited. It's
20 not really giving us a real perspective. It's much better
21 than nothing, but it's not giving us a real clear picture of
22 what's happening here in Connecticut.

23 Now, the question is: What do you make of this? I
24 think that what we should make of this is the following: Hate
25 crimes are a relativity new phenomena. I will add the ADL

1 developed the first model hate crime statute in 1981, and it
2 was -- we have worked very hard as an organization, through
3 our offices around the country, and then, together with many
4 other organizations who became committed to this idea, to get
5 legislation passed around the country. In fact, now, 44
6 states do have hate crimes legislation.

7 I think we can be very proud that here in
8 Connecticut, we have a fairly comprehensive hate crime
9 statutory scheme, and that resulted from a lot of work from
10 different people over a period of time.

11 There's also a learning curve. This is a new
12 concept, and there's learning that needs to be done about how
13 hate crimes reporting should be implemented. I think there is
14 a range of problems that needs to be looked, some that Dave
15 referenced.

16 The lack of reporting clearly, in many instances,
17 reflects the priority of various police departments; but more
18 fundamentally, the degree to which officers, who are involved
19 in making arrests, are even aware of what a hate crime is.
20 Then you have officers who are aware of what a hate crime is,
21 but don't really know when a crime is a hate crime and when
22 it's not a hate crime. I don't say that critically. There's
23 a tremendous need for training, and that's something that
24 takes time.

25 There are other issues that I think have come up.

1 One of the most important issues that we need to face is that
2 there needs to be training so that police officers will
3 enforce it. The second thing that needs to be is a statement
4 from the top that enforcement of hate crimes and reporting of
5 hate crimes is something that will be important.

6 I think the second factor is something that Dave
7 said, which is public awareness, which is critical for a
8 number of reasons: Number one, some of the most likely victim
9 populations are the ones least likely to report hate crimes.
10 Immigrants, in many instances, are fearful of the police.
11 Then you have various minorities who may themselves be fearful
12 of the police. Then you have people who are victims of hate
13 crimes because of sexual orientation and may fear the
14 consequences of disclosure.

15 So I think that one of the things that needs to be
16 done is there needs to be public information, there needs to
17 be a way of getting information out that law enforcement is,
18 in fact, committed to enforcing these laws about crimes so
19 that people who would report them have the reassurance to do
20 so. The other thing is they need to know that the law exists,
21 and I don't think that's out there.

22 There's a third area where I think that we need to
23 look at, and that is what prosecutors do with hate crimes once
24 they've come to them. In 1996, there were 51 total offenses
25 of hate crimes that we were advised were in the system. Only

1 nine resulted in a guilty disposition. What happened to the
2 rest, we don't know. I think that's information that could be
3 found, but we don't know it.

4 People who were convicted of hate crimes under one
5 of the hate crime statutes, there might have been someone who
6 was guilty of an assault, who was involved in a crime that had
7 the elements of a hate crime, but it wasn't charged as such,
8 so we wouldn't necessarily know.

9 I think a third issue is there's a need for
10 information and resources around sentencing -- that's a fourth
11 issue. From time to time, we have had inquiries about what
12 would be an appropriate disposition on a given case, and where
13 people have really been unsure is how to view hate crimes. I
14 think there's a need for information and an opportunity for
15 professionals in those positions to discuss those things.

16 One of the things that we did last year in
17 conjunction with the President's conference on hate crimes was
18 write a letter to the governor which suggested that now may be
19 a good time to convene a statewide conference to begin to look
20 at some of these issues, so that not only the public can
21 become more aware of them, but various professional groups
22 that are involved in enforcing laws about hate crimes and
23 community groups can begin to get a handle on some of the
24 problems and begin to do some thinking about solutions.

25 I have one other thought, which is this: Hate

1 crimes, I think, are part of a commitment that we have in
2 Connecticut, and I think other communities around the country
3 have, which is to address the problems that arise when people
4 and groups that are not committed to the idea that America is
5 a diverse society and that making room for people from
6 different backgrounds is a core social commitment and a core
7 social virtue.

8 We need to view hate crime legislation and
9 enforcement of that as one part of a larger package; and that
10 package really regards how we're going to meet that larger
11 commitment. I think that in talking about hate crimes, a
12 critical role has to be -- and I consider this a core civil
13 rights test -- providing the kind of training to school
14 children, community groups, parents about the skills and
15 knowledge for living in a diverse society. That's a whole
16 other subject we can get into, but I don't think we should
17 think about hate crimes separate from that.

18 MR. HASEGAWA: Since we just had a really detailed
19 sweep of statistical information, I wonder if we should take
20 time now, while this is still fresh with you, to direct
21 questions to David and to Rob, take a short break, and then
22 come back and talk with Maureen about the impact on
23 individuals and individual remedies through other means that
24 are available through our Connecticut statute. Is that
25 acceptable?

1 THE CHAIRMAN: You're the moderator.

2 MR. HASEGAWA: We'll take a little break, get fresh,
3 and then come back and talk to Maureen from a slightly
4 different perspective since we're focusing more on individual
5 experience.

6 MS. MURPHY: I just wanted to say my experiences are
7 not necessarily in the civil area. The cases that I'm going
8 to talk about were criminal cases; I just wanted to make that
9 clear.

10 MR. HASEGAWA: That's a very important
11 clarification. Thank you.

12 So let's have your questions and comments for the
13 first two panelists.

14 THE CHAIRMAN: I like the last statement that Bob
15 made. What I wanted to know is, for example, we passed
16 statutory requirements for a curriculum that we must teach in
17 public schools. Having been a former public schoolteacher,
18 we're always inundated. We have to teach a unit on drugs.

19 Why can't we get some kind of a statute passed that
20 would mandate that somewhere in one of the required courses
21 the students have to take -- could be Civics in the eighth
22 grade, or Government -- that there has to be a unit on this
23 type of activity in hate crimes? Is it something that they
24 ever tried to get the legislature to adopt, to add some
25 responsibilities of teaching?

1 MS. GROSS: I don't want to respond for you, except
2 to say that the program that ADL has and that Bob's been
3 instituting, while not compulsory in the schools, is a
4 wonderful program that could be adopted by all school
5 districts.

6 MR. LEIKIND: To speak directly to the question,
7 from time to time, we've talked about that with various
8 legislators. In general, the reaction has always been that
9 the educational establishment would not welcome another
10 mandate; that they're already burdened by too many. So we
11 have never pushed it.

12 I think that there may be educational reasons why
13 not too, which is, simply, that we found the kind of program
14 we've been involved in in schools -- ADL and the other
15 organizations that do as well, and individuals who are
16 involved in diversity training -- when we do this, we find
17 that the most successful experiences are where the schools and
18 the classrooms and the teacher are motivated to engage in the
19 material.

20 That having been said, I think the level of interest
21 in Connecticut -- and this is a good news story -- is growing
22 very quickly. I think there is a sense that young people
23 being comfortable with people of different backgrounds is not
24 just about values; it's about values, but it's also about
25 knowledge, experience, skills.

1 To look at something different, you know, the
2 classic example of the immigrant from Central America who
3 looks at the floor when his supervisor talks to him or her,
4 that's viewed as a sign of disrespect; whereas, from the
5 culture that that person is coming from, it may be viewed as
6 respect not to look the person right in the eye.

7 Those kinds of differences are part of educating
8 people for living in a diverse society like ours. I think
9 there is growing interest in Connecticut, even without a
10 mandate. Whether a mandate would help --

11 DR. MCKENZIE-WHARTON: I have a comment because I
12 have The New York Times, Tuesday, November 11, the national
13 section -- I think it's appropriate to Dr. Macy's comment --
14 "Clinton Backs Expanding Definition of a Hate Crime." One of
15 the young women just happened to state that while several
16 participants emphasize that schools could teach children the
17 dangers of prejudice -- and she was speaking in terms of
18 anti-Semitic crimes four years ago -- said that education was
19 not sufficient.

20 This problem is far deeper. I have to teach my
21 grandparents before I teach my kids. So sometimes you think
22 in terms of hate crimes relating to certain young people, but
23 basically, it is up and down the structure of older people
24 with certain set ideas that are prejudiced against values and
25 ethnic groups, along with young people and others.

1 MR. LEIKIND: That's right.

2 MR. HASEGAWA: I'd like to ask you, David, you cited
3 New Haven as an example of a town that has a great strong
4 program on hate crimes and building awareness. Does the state
5 police -- since you have some responsibilities -- have any
6 outreach efforts or plans for that same kind of publicity and
7 public relations, public information outreach, that New Haven
8 has demonstrated locally, that that might be some impact
9 statewide?

10 MR. PORTEOUS: I don't know of anything, but then
11 again, these large bureaucracies, a lot of things go on that
12 you would think somebody would know about, but we don't. I
13 really don't know. I've never asked the question, but I will
14 ask the question of our public information officer and I will
15 get back to you with an answer.

16 MR. HASEGAWA: Your role as a trainer is to train
17 police personnel?

18 MR. PORTEOUS: Yes, right. And 98 percent of the
19 time, I'm working with local police departments rather than
20 our state police. As I stated, our mandate covers a number of
21 programs, but I just try to -- I share information between
22 departments, and departments like to learn from other
23 departments.

24 I can be a conduit that's pretty nonthreatening and
25 cuts across those lines, where people don't have to formally

1 say, Oh, I have to call my chief and have my chief call your
2 chief before we can communicate. So I manage to help
3 departments learn about the best practices, basically, across
4 the state as much as I can. I'm sharing the New Haven
5 experience with various departments in that regard too.

6 MS. GROSS: I was surprised recently. I live in
7 Guilford, and I heard of swastikas being painted in the
8 lavatories of Guilford High School. I heard this from one of
9 the teachers in the school, and I questioned, How come there's
10 been no mention of this in the local, very local paper, or in
11 the school bulletins or anything that went out? Because I
12 certainly didn't know that such a thing even existed in
13 Guilford.

14 The answer that I got disturbed me greatly. They
15 didn't want people to know because they wanted everyone to
16 think Guilford was just a wonderful town, but if they got word
17 out that there was such a thing as hate crimes there, this
18 would raise the hackles of some of the officials, et cetera.

19 I was wondering whether this was a common thing. I
20 know you don't get as many reports of as many hate crimes that
21 exist. Is this one of the main reasons, or are there other
22 reasons as well?

23 MR. PORTEOUS: Why don't you answer it. I think it
24 may be easier for Bob to answer. I can tell you what gets
25 overreported; it's harder for me to say what doesn't get

1 reported, and I don't like to speculate on what we don't know
2 is fact.

3 MR. HASEGAWA: Rob Leikind, however, has no such --

4 MR. LEIKIND: It's anecdotal, but we hear all the
5 time about schools that have had incidents, various kinds, and
6 they have a tremendous incentive -- or they very often have an
7 incentive not to have it known. They don't want the parents
8 to know, the other kids to know, and will act with alacrity to
9 cover up any evidence that that incident happened.

10 I should also say that many towns, especially under
11 the old reporting system, had a disincentive to report hate
12 crimes. If you reported a lot of hate crimes, your community
13 became "hate central," and it's not good for lots of things.
14 Why should you report it if all the other communities aren't
15 reporting it? So there's a common psychology there.

16 I should also say, in fairness, there have been
17 school principals who have viewed the instances of either a
18 hate crime or a bias incident -- something less than a
19 crime -- as an educable moment and have used those as
20 opportunities to teach their students about what prejudice
21 means, how to engage differences. We've seen it done very
22 effectively. Sometimes we worked with communities.

23 It's the kind of thing that -- it's the kind of
24 example we would like to see happen much more, but I think
25 very often, the response is exactly how you described it.

1 MR. SERPA: My question, two parts, about the New
2 Haven outreach effort: Where does the funding come from? You
3 mentioned federal --

4 MR. PORTEOUS: Your federal tax dollars.

5 MR. SERPA: A federal grant?

6 MR. PORTEOUS: Yes. They had one last year, and
7 they have one this year. This front and back sheet has a list
8 of seven different projects that are included in addition to
9 just what they're doing within the department, normal
10 business, that are outreach projects of various kinds.

11 MR. SERPA: Do the other major metropolitan
12 departments have bias crimes units?

13 MR. PORTEOUS: I haven't asked the question, but I
14 have heard from at least one person in the New Haven Police
15 Department that there's no knowledge of any other bias crime
16 unit in the state.

17 MR. LEIKIND: It's the only one. If I can add to
18 that, New Haven made a commitment long before it had any
19 federal dollars; New Haven made a commitment to try to deal
20 with this problem. They created a special unit for that
21 purpose; they pulled together people from the community. I
22 was one of them, so I was participating in the original
23 planning of this whole thing.

24 There was an institutional commitment up front for
25 this to happen, and only after they had a plan and certain

1 resources in place did they go about seeking federal dollars
2 to help them do this.

3 MR. SERPA: How long ago was that?

4 MR. LEIKIND: I think probably three years ago.

5 DR. MCKENZIE-WHARTON: Was that because of the
6 presence of Yale University and some of the incidents that
7 might have happened?

8 MR. LEIKIND: Yale helped with the planning process,
9 so there was somebody from Yale -- I don't remember his role
10 -- who participated in the planning process; but it really
11 came from the top chief at the time, who said he wanted this.
12 That was my understanding; the chief wanted it. He made it a
13 priority, he designated a detective to staff it, and that
14 was -- he said it was going to happen.

15 DR. MCKENZIE-WHARTON: Yale doesn't have the
16 presence in New Haven with their current practice.

17 MR. LEIKIND: It sure doesn't.

18 MR. PORTEOUS: You might also note on that hate
19 crime reference card, the FBI recommends that there be a
20 second level of review, which a hate crime unit provides, at
21 least, a person to be that person within the department to
22 review all such claims.

23 MR. HASEGAWA: I just wanted to alert the panel to
24 the fact that the committee, everyone at this table are
25 members of the Connecticut Advisory, except for Mr. Serpa, who

1 is representing the U.S. Commission on Civil Rights as a staff
2 member with us today. So I just wanted you to know who's over
3 here.

4 THE CHAIRMAN: I have a question for David, a
5 methodology question: In your training you do of police
6 officers, do you do any pre- and posttesting through case
7 studies, for example, for attitudes, to see if, in fact, there
8 is a change of attitude?

9 Can you usually tell by their answers to questions
10 on certain cases you may give them prior to teaching them, and
11 another set of case studies you give them, to see if there's
12 any attitudinal change after that? Is any of that included in
13 your methodology?

14 MR. PORTEOUS: No. We're very behaviorally focused
15 in terms of a change. We want to see that they read a case
16 study, that they see it the way we see it; that we're all on
17 the same page, that we all analyze the kinds of features that
18 will make this a hate crime or not and judge them the same
19 way.

20 So whether or not that person being trained has an
21 angelic attitude or a biased attitude is not something that we
22 try to deal with. It's just, You're doing your job; you're
23 out there, the investigating officer or the reviewing
24 officer. When you look at this case, do you look at these
25 characteristics and make this kind of a judgment the same as

1 this person in another department 10 miles away and another
2 department that's 50 miles away? We want uniform decision
3 making, and that's all we tend to in terms of the training.

4 DR. ECHOLS: One of the things you mentioned was a
5 letter to the governor from the conference on hate crimes. It
6 didn't happen, did it?

7 MR. LEIKIND: No. We just sent a letter basically
8 saying that we think the time has come. We've got our laws in
9 place, that we have some experience with the statutes and how
10 enforcement is working and not working; and it's time to bring
11 together the various parties to take a hard look at it and see
12 what kinds of reforms we need to make it work better.

13 MS. ECHOLS: The reason I lost track, my mind went
14 off on a tangent about what kind of conference would that be?
15 Who should attend it? Where should it be held, and so on?
16 The reason I went on that tangent is because some of the hate
17 crimes, the incidents that do make the papers, happen in
18 sections that we don't hear much about. In the metropolitan
19 areas, we don't know too much about it.

20 I'm thinking of the Prudence Crandall house, for
21 example, where there's been some cross burnings and some this
22 and that. It happens fairly often, but nobody gets too
23 excited about it because that's a fairly homogeneous kind of
24 area.

25 I was wondering if, you know, because of your making

1 such progress with the state police, you just wanted to target
2 a certain population. Would it be for -- would it reach any
3 of the areas where, whether they have sizable groups to direct
4 their hate toward, would those be the only areas touched? And
5 if so, what good does it do?

6 I can see a massive conference at the capital
7 drawing everybody -- and I'd probably go up there too -- and
8 the people who would come have a little knowledge, maybe not
9 nearly enough, but a little knowledge; but it never reaches
10 these outposts and places of where information needs to go and
11 where, in my opinion, at least, some of those hate crimes need
12 to be looked at.

13 What we heard -- if I can just link this up -- my
14 thoughts are getting awful fuzzy; but yesterday, we were
15 talking about housing and about the opportunities for people
16 of different races and so on to move in, find lodging in
17 certain towns. We know that doesn't happen across the board,
18 and what happens to them is very subtle, like the denial of
19 the acceptance of Section 8 certifications for housing and so
20 on.

21 I know a lot needs to be done with the police. We
22 heard so much about that this morning, but is there a way of
23 really seeing Connecticut as a state and targeting in on some
24 of those areas that sort of relish being the sources of hate
25 crimes and never gets prosecuted or barely discovered and

1 reported, but nothing ever happens?

2 MR. LEIKIND: I'm glad you raised that; I think
3 that's a very important issue. The short answer is right now,
4 there is no conference. We haven't heard back from the
5 governor's office yet, and that's not unreasonable at this
6 point. We're hopeful.

7 I think, if I understand you correctly, what you're
8 really saying is understanding what is not happening means
9 that we really have to make sure that we have people who can
10 talk about their experiences from a variety of backgrounds who
11 can talk about different experiences in the state. I think
12 that that's right.

13 Not to throw the ball back at you, but should this
14 happen -- and I'm hoping in some form, it will -- I would be
15 hopeful that you might participate in the planning.

16 MR. HASEGAWA: Do you have other questions? Ready
17 for a short break? Then we'll come back. Why don't we take,
18 if you don't mind, ten minutes, and we'll come right back. I
19 think there's a lot more material.

20

21 (Off the record.)

22

23 MR. HASEGAWA: All right, friends. We're back. I
24 got a note from Neil, if I may just for a second, a little
25 housekeeping. There is a social hour; you're certainly

1 welcome to join us for whatever there is at the end of the
2 meeting. So please do join us. Also, anybody here, please
3 feel free to join us. I think there will be some small
4 refreshment in the building.

5 We're now ready to hear from Maureen Murphy, an
6 attorney in private practice, and I've just been told that
7 we're going to be dealing with criminal matters.

8 MS. MURPHY: Being a lawyer, I don't talk really
9 well sitting down. I don't know why; it's like my brain can't
10 work as well.

11 I'm Maureen Murphy, and because I'm the last one to
12 talk, I'm going to do my best to be a little bit exciting
13 because I know it's late in the day and everybody is kind of
14 tired. Certainly, this material is not boring to me.

15 I am an attorney in private practice in New Haven.
16 I am not a criminal lawyer; I'm a civil lawyer. I think
17 that's very interesting, that I'm here to talk to you about
18 hate crimes and my clients that I represent in hate crimes,
19 because they're victims of crimes.

20 In our criminal system in this country, victims
21 don't have lawyers. The prosecutor is the lawyer, and the
22 prosecutor is representing the State; but because of the
23 nature of these crimes, there have been occasions that people
24 have actually had to go out and get their own civil lawyer to
25 help them with a criminal case.

1 I selected a number of cases that I want to talk to
2 you about today that have come to my attention and that I've
3 had personal involvement in. When Jack asked me to speak here
4 today, he asked me to speak on hate crimes, on the issues of
5 gays and lesbians, and that's what I have prepared to talk
6 about; but I think that you'll find it very relevant in terms
7 of hate crimes in general, because many of the issues around
8 hate crimes against the gay and lesbian community are
9 exacerbated by the fact that being victims of crime, they are
10 outed. I think when we look at these kinds of crimes, we have
11 an even greater sense of why these crimes may not be
12 reported.

13 I first became involved in a hate crime in 1992. I
14 represented two gay men who walked out of the Copa, a gay bar
15 in Hamden, Connecticut. They were two men who had been in a
16 committed relationship for a very long time. It was late in
17 the night, and they were coming out of a known gay
18 establishment in Hamden.

19 As they were coming out, there were two young men
20 who had been sitting in a four-wheel-drive vehicle, making
21 remarks to people who were coming out of the bar. They,
22 essentially, had been lying in wait for gay men coming out of
23 the bar.

24 When my two clients came out of the bar and started
25 to go to their car, the individuals that were lying in wait

1 starting yelling and screaming at them and calling them
2 "fucking faggots," and that they were going to kill them.
3 That was how this whole thing started.

4 My two clients did not respond to them; they were
5 going to their car. These two young men attempted to run them
6 over. They got in their car, my clients, and attempted to
7 exit the parking lot. As they did this, they were sideswiped
8 but not hit by the same two individuals.

9 Not knowing where to go and being afraid to get back
10 out of their car again, they got on the main road there in
11 Hamden. They happened to know where the police department
12 was, so they started off toward the police department; and
13 they were pursued and attempted to be run off the road by
14 these same two individuals. Several times these individuals
15 yelled that they were going to kill them.

16 My clients went to the police department. When they
17 got in the proximity of the police department, these two
18 individuals who had yelled that they were going to kill them
19 and attempted to run them over and attempted to run them off
20 the road, when they saw they were in the proximity of the
21 police department, they left.

22 My clients had gotten their license plate number.
23 They went into the police department; they told them what had
24 happened. The police did not know what a hate crime was, did
25 not know that it was a bias crime. One of the individuals --

1 one of my clients, in 1992, was on the New Haven Police
2 Department's Subcommittee on Hate Crime and Bias. He was a
3 civilian who happened to be on this subcommittee on hate crime
4 and bias.

5 I think for the state of the law in Connecticut, and
6 for these individuals, it was very fortunate that he happened
7 to have the knowledge and information that he did. He
8 informed the Hamden police officers of the name of the
9 statute, the number of the statute. They did not know what it
10 was, they had no idea. They refused to categorize this as a
11 hate crime.

12 After this happened, my clients got in touch with
13 me. They got in touch with the Connecticut Lesbian and Gay
14 Antiviolence Project. The commissioner of Public Safety, who
15 is Dave's boss and at that time, was a former superior court
16 judge, Nicholas Cioffi, wrote a letter to the police chief in
17 Hamden, the head of the Connecticut Lesbian and Gay
18 Antiviolence Project wrote a letter to the police chief in
19 Hamden.

20 Only after all of these public officials had
21 interceded did Hamden charge these individuals with a hate
22 crime. Now, they only charged one because they couldn't get
23 the name of the other. The individual who was charged had
24 admitted that he had been in the parking lot, that he had made
25 these comments, that he had endangered the life of these

1 individuals.

2 I believe that this was one of the first, if not the
3 first prosecution in Connecticut under the hate crime
4 statute. That was in 1992, as I said.

5 We had a very interesting conclusion to this case.
6 The two men that I represented in court that day were more
7 interested in having a public impact that was beneficial.
8 They did not seek a felony prosecution for this young man,
9 this young man who had attempted to kill them and attempted to
10 run them down.

11 What, instead, we agreed to was a number of things:
12 Number one, that this individual had to go through sensitivity
13 training at the Antidefamation League and with the Connecticut
14 Lesbian and Gay Antiviolence Project; that he had to make a
15 donation on a monthly basis so that he had to write out a
16 check to the Connecticut Coalition for Lesbian and Gay Civil
17 Rights and the Connecticut Lesbian and Gay Antiviolence
18 Project, so that he had to actually write out a donation to
19 these organizations on a monthly basis; and at the end of the
20 two-year period, after he had made these monthly contributions
21 and after he had had his sensitivity training, he had to write
22 a letter in the New Haven Register or a similar newspaper with
23 similar circulation about his experiences and what he had
24 learned.

25 Now, when I do training and, in particular, when I

1 do training at the New Haven Police Academy on hate crimes,
2 often the police officers think that this was not the right
3 thing to do. They think that you should go after him and get
4 that felony indictment, and that you should make sure that
5 they do time.

6 But the individuals that I was representing were
7 much more concerned about making a change. There was a lot of
8 publicity, there were a lot of newspaper articles; and I
9 really believe that they made the right decision. They
10 weren't interested in having this young man go to prison.
11 What they were interested in was changing him and having an
12 impact on him. That was in 1992.

13 Hopefully, that will never happen in Hamden again.
14 I think there was enough public awareness that was raised by
15 that that Hamden knows now what a hate crime is.

16 1993: Two women living in Madison, who were
17 lesbians, in the middle of the night, a car arrives outside
18 their house. Two young men who had lived in the same
19 building, below them, were screaming, "Get the fucking dikes
20 out of Madison."

21 These two women called the police immediately and
22 asked them to come. The police were no more than two and a
23 half blocks away. Within a half an hour, they still were not
24 there. These women stayed in their apartment until the men
25 started to come up toward them. At that time, in order to

1 dissuade them from coming up the stairs, they threw bags of
2 garbage down the stairs onto these two men. One of the men
3 picked up a bottle that was in the garbage and threw it at one
4 of the women, breaking her jaw.

5 When the police got there, they charged everyone;
6 they refused to charge it as a hate crime. It was not
7 recorded as a hate crime. The police said that they didn't
8 believe that these women were intimidated, and I think it's
9 very important that we understand -- and if you look in the
10 materials that David has provided, if you look in the
11 statute -- it's very clear that it's not whether the victim is
12 intimidated, it's whether the perpetrator intends to
13 intimidate.

14 These police officers didn't see it, because what
15 they saw were two lesbians who were kind of tough, who in
16 their mind, fit a stereotype, and they didn't believe anybody
17 intimidated these two women. Well, that's not the point of
18 the statute. The point of the statute is: Did these people
19 commit this crime because they intended to intimidate them
20 because they were lesbians, not because they just wanted to go
21 and harm someone? Clearly, this should have been considered
22 as a hate crime; it was not.

23 I was brought into the case at the time of the
24 prosecution. I spoke with the prosecutor. The prosecutor
25 stated to me -- this is a New Haven prosecutor, by the way --

1 to me and to the press that he did not believe that these
2 women were intimidated so he did not believe that the proper
3 charge was a hate crime. Clearly, this is wrong. This is not
4 what this law is about.

5 1994: Because I had brought the first Title 9 peer
6 to peer sexual harassment claim -- didn't have anything to do
7 with gay or lesbian, but it had to do with schools. Title 9
8 is gender equity in the education system, but because I had
9 brought this first Title 9 peer to peer sexual harassment
10 claim in the country, I was in the paper a lot about that.

11 So I started getting a lot of students who were
12 coming to me with claims that involved assaults and harassment
13 in school. The two that I want to talk to you about involved
14 students who were being harassed because other students
15 perceived them to be gay.

16 The first one, 1994, a 13-year-old boy, for some
17 reason, the students decided that he should be singled out as
18 "Gay Boy." This child did not identify himself as gay. He
19 really didn't have an identity in terms of a sexual identity.
20 He just didn't have any sense of that at all; but for some
21 reason, perhaps he was vulnerable in some way, a group of
22 students picked him out and started to refer to him as "Gay
23 Boy."

24 They harassed him, made fun of him in school in
25 front of his teachers, wrote on his locker "Fucking faggot."

1 When he went to the locker room to get dressed for physical
2 education, they punched him, threw his books around, knocked
3 him about, so that for the remainder of the year, this child
4 never could go into the boy's locker room because it wasn't
5 safe for him. He had to get dressed down the hall, across
6 from the principal's office, in order to go to physical
7 education.

8 His parents came to me because they wanted to know
9 if they could pursue a Title 9 claim. They were too afraid to
10 go to the police, because if they went to the police and they
11 said why their son was being treated in this way, that it
12 would become public. It would become a public document; it
13 would be out there in the press, and their son would be
14 labeled gay, and he was only 13 years old.

15 So they came to me to see if they should pursue a
16 sexual harassment claim because the school was refusing to do
17 anything. I discussed it with them at great length and talked
18 about what that would involve. They made a decision to
19 withdraw their son from the school and pay money that they
20 didn't have to put him in a private school, because they
21 didn't want to deal with the cost, the expense, and the
22 publicity of a lawsuit. That was 1994, I believe.

23 1996: Parents call me; almost the exact same
24 situation. This time, the child has been kicked. He's been
25 hit, he's been harassed, and it's all because they perceive

1 him to be "swishy." If you move away from the stereotypical
2 gender identity, even if you don't identify yourself as gay or
3 lesbian, you are fodder for harassment in our public schools,
4 and this has been well documented.

5 Eighty percent of the students who identify
6 themselves as being gay or lesbian have experienced sexual
7 harassment, and often, it has been violent sexual harassment.

8 In this case also, these parents made a decision not
9 to go to the police because they couldn't handle the
10 publicity. They made the decision not to pursue a lawsuit
11 against the school district because they didn't want to deal
12 with that kind of publicity.

13 Four days ago, I received a call from a gay man. He
14 had been taunted repeatedly by a coworker, being called
15 "Faggot," just being harassed, but it was all verbal. Four
16 days ago, that same coworker took a chemical at the work site
17 and poured it all over his car. The paint was all raised from
18 his car.

19 He called the police, and he told the police, This
20 is a person who has repeatedly called me faggot; I've never
21 had any dealings with him other than in a work relationship,
22 and I saw him do this. He did it in front of my eyes. The
23 police refused to record this as a hate crime. They didn't
24 feel that -- they took it as two coworkers who didn't get
25 along, despite the fact that he told them that there was

1 information that he had been called "faggot" and that had been
2 the sole interaction that they had had between each other.

3 I am interceding on his behalf, as are some others,
4 again, like in 1992, to get that police department -- which,
5 by the way is not New Haven -- to get that police department
6 to record that as a bias incident and to also charge this
7 individual with a bias crime.

8 The reason I picked the cases that I've picked is
9 because I think that they give you some idea of what people
10 are up against. If people such as the first two men that I
11 talked about, who are on the New Haven Police Department's
12 Subcommittee on Hate Crime and Violence, if they have trouble,
13 if they have a hard time getting the police to understand what
14 this is, you can only imagine what it is like for an
15 immigrant, for someone who really doesn't want to be
16 identified in that way at all.

17 In fact, David was just telling me an incident that
18 he heard about where a father and a son were in a restaurant,
19 and they were physically assaulted because people in the
20 restaurant thought that they were lovers. What is important
21 to know is that this hatred, this bigotry, this animus toward
22 a particular group is not only harmful to the individuals who
23 are subjected to this, but also, if you're perceived in that
24 way. And that's why is it so tremendously dangerous.

25 I've been very involved in -- I do practice a lot of

1 education law. I have a Master's in special ed, so I do
2 special ed law; I do Title 9 law. There are three reported
3 decisions on Title 9 out of the state of Connecticut; two of
4 them are mine. Education is a very big part of my practice.

5 When you raised earlier the issue of, Can we make it
6 mandatory in our curriculums? I think that we really do need
7 to think of that, and I would urge all of you to consider that
8 as a recommendation. The hatred that begins at these early
9 ages, the violence that is okayed, I've only told you about
10 two of my student cases. I've had innumerable cases of
11 students who have been hurt, who have experienced extreme
12 trauma.

13 What we know about victims who are the victims of a
14 hate crime is that they show signs of PTSD, even if they did
15 not experience violence. There is a terrorism aspect to being
16 treated in a certain way because of who you are, and there is
17 a fear about who you are, then, as you go out. There's no
18 safety, and the individuals who have experienced even threats
19 based on who they are, are no longer safe to walk out in our
20 community.

21 Even though we have a law in Connecticut that is
22 wonderful, it's great, it does everything we want it to do,
23 these people aren't safe because our law enforcement doesn't
24 understand the law. Some of them do; New Haven does, but most
25 of our towns and cities do not understand it.

1 When the two men in Hamden went to the police, the
2 police officers said, What did you do to provoke them? When
3 the two women, one with a broken jaw, when this happened in
4 their own home by people who didn't live there anymore, they
5 said, What did you do to provoke them? When this individual
6 called me at the beginning of this week and told me about his
7 car being destroyed, he was asked by the police officer, What
8 did you do to provoke him?

9 This is what these people are up against. This is
10 why we're seeing low reporting statistics, and it's important
11 that we understand why we're seeing low reporting. I think
12 that that's --

13 THE CHAIRMAN: That's why I raised the question
14 about cross-referencing these complaints, because I know the
15 police don't report these things. Since you're in educational
16 law, as you know, I represent a number of districts on labor
17 relations, and every district that I represent, I point out
18 they must have a Title 9 citywide official. It usually ends
19 up being the assistant superintendent. And not only that,
20 every school must have a Title 9 compliance officer, and the
21 policy must be posted.

22 Now, they are in Bloomfield; but there has to be a
23 way for us to check, and maybe the state, the Department of
24 Education should do it, to make sure that the schools are in
25 compliance. I don't want to see Jack going around from school

1 to school, checking it out; but there must be some way to
2 check whether the school districts are in compliance and
3 whether they're in-servicing the faculty, as they're required
4 to do.

5 MS. MURPHY: I totally agree with you. In fact, the
6 first two Title 9 complaints in which I brought federal court
7 actions, when I went to take the deposition of the Title 9
8 coordinator, they didn't know they were, the Title 9
9 coordinators. They didn't know.

10 I said, When did you first know you were the Title 9
11 coordinator? "When I got the notice of deposition." These
12 are acts that happened three years before. I can tell you
13 that I made three different phone calls to the Hartford School
14 District, and they did not know -- nobody that answered the
15 phone knew what a Title 9 was. They kept saying it must be
16 special ed.

17 That's a different problem, because we have a Title
18 9 law; but what we don't -- and Title 9 is very specific that
19 you have to have a Title 9 coordinator, and you have to put
20 out policies and procedures, and the regs are very clear about
21 that.

22 The Title 9 regs, by the way, do refer to sexual
23 orientation harassment as well as peer-to-peer sexual
24 harassment; but what we don't have is we do not have a
25 requirement in the curriculum that says that you must teach

1 these things. I think that that is important. We need to
2 look at that.

3 There was just an act passed this year that says
4 they now have to teach about the Irish famine; that is a
5 requirement in the curriculum. Now, I'm of Irish heritage,
6 and I have no problem with them including the Irish famine in
7 the curriculum; but it should not be included in the
8 curriculum before we start talking about diversity in our
9 community and how important it is that we respect the safety
10 of individuals. That belongs there long before we insert
11 something that happened in 1850.

12 THE CHAIRMAN: By the way, I should tell you,
13 Maureen, the textbook manufacturers will put in the textbooks
14 what you want them to put in; they're out to sell books. If
15 they're told that when Connecticut makes recommendations in
16 textbooks, that we want something in there on this, they put
17 it in; otherwise, they won't be able to sell books. It all
18 depends what pressure is generated by the state department to
19 enforce these things.

20 MR. HASEGAWA: Let me ask you a question that I hope
21 the three of you will respond to: When I listen, Maureen, to
22 your stories, they are in some ways eerie in their consonance
23 with the experiences of people of color, the kind of
24 harassment that is experienced and the inability to convince a
25 police officer that this crime is, A, a crime, and, B, has

1 some other dimension and that you didn't cause it.

2 So the things that you described with regard to gay
3 and lesbian residents, I think, is very consistent with what
4 happens to people of color as they attempt to find protection
5 in that. The question is: Is there an overview of that
6 experience, what happens to people, by and large, when they
7 try to get protection under the hate-crimes provisions here?
8 David has taught us now that almost every crime can add the
9 dimension, if the words are spoken based on characteristics
10 you cannot change. I wonder if you have some insights, in
11 general.

12 MS. MURPHY: What happens now? My belief about what
13 happens -- and, again, I only hear about it when it's a big
14 problem, because if you're a victim of a crime and you call
15 the police and you report the crime, then that's usually the
16 end of it. I only hear about it when it's a big problem, when
17 an individual says, The police aren't taking me seriously.
18 But that requires the individual to see it as a hate crime.

19 My belief about what's going on and what is endemic
20 in our law enforcement in the state of Connecticut is that
21 nobody is looking for a hate crime. None of the police
22 officers are looking for a hate crime. New Haven is an
23 exception to this.

24 I've taught hate crime to the cadets at the police
25 academy in New Haven. If a police officer were to fill out a

1 report on a crime, as is included in here, it asks questions
2 like: What is the race of the perpetrator? What is the race
3 of the victim? What is the sexual orientation of the victim?
4 The ethnicity.

5 All of these are things that police officers need to
6 be looking for because victims don't always know it. So the
7 only time we're ever going to know is if it's said or if we
8 have a victim who has the courage -- which, you're really
9 asking a lot of victims.

10 If a victim has the courage to say, This happened to
11 me because of my race or my ethnicity or my sexual orientation
12 or my religion, those are the issues that, the way it is right
13 now, it's totally incumbent upon that individual to say, This
14 was a bias crime. If the individual doesn't say it, it will
15 not be recorded. It will not happen.

16 What I'm seeing is that even when the individual
17 knows that and says it, it's still not being recorded because
18 the police don't want to do it for some of the reasons that
19 were already raised. They don't want their community to be
20 viewed as a hate crime community, and often, prosecutors
21 discourage it because they don't want to prosecute somebody
22 for a felony when perhaps what they did was threaten someone.

23 MR. JOHNSON: What advice would you give the gay
24 person or lesbian person, an interracial couple coming out of
25 a bar, who are caught in a situation as you described in your

1 first case, and for good personal reasons, do not want this to
2 be public in any way? Are there any procedures they can
3 follow?

4 MS. MURPHY: There's actually two things: When I
5 was in law school, I worked as a police in-court advocate for
6 rape victims; a lot of times, they don't want to pursue it.
7 But we had rape crisis counselors. We encouraged them to
8 report it because often, if somebody rapes you, they're going
9 to rape someone else; and if you can provide identifying
10 information, it may help to catch that person.

11 Often, I would meet with either the state police or
12 the local police and help my client make an anonymous report
13 that would give identifying characteristics. That's number
14 one.

15 The same holds true for a hate crime. If you're the
16 victim of a crime and you don't want to press charges, if we
17 can get the police to cooperate with this -- and they're
18 willing to do it with a rape; will they be willing to do it
19 with a hate crime? I think it requires us to make sure that
20 they're educated.

21 But there is a lot of information. If somebody
22 commits one hate crime, you know they're going to commit
23 another. It's just the same as a rape in that sense. These
24 aren't people who just do it once. If they're going to commit
25 a crime because they don't like who you are, they're going to

1 do it to someone else too.

2 It's very important that at least people go and file
3 an anonymous complaint, even if they don't want to be the
4 witness in that particular act. The other thing is that there
5 are incident reports, and as David was talking to you, the
6 mere fact that you report it and it's recorded is going to
7 help in terms of allocation of resources, in terms of helping
8 us to understand what a big problem this is.

9 So even if you can't identify the person, you really
10 can't provide any information that would lead to the arrest of
11 someone, if you report it as an incident, then at least it
12 gets recorded. So that's important also. Those are the two
13 things I recommend to people who have been a victim.

14 MR. LEIKIND: One of the things that does need to be
15 looked at, and I think the new reporting system may address
16 some of these concerns, is the mechanism for reporting
17 crimes. Right now, as I understand it, the most significant
18 crime is the one that's recorded. So if a criminal act
19 occurs, the person might be charged with multiple crimes for
20 that one act. The one that is the most egregious is the one
21 that's going to be called by the statistics.

22 So if the hate crime aspect, suppose intimidation
23 based on bigotry and bias is one of those things charged, and
24 it happens to be some sort of aggravated assault, aggravated
25 assault may be the crime that actually appears in the data.

1 So there's a whole question about the mechanism that's
2 currently in place and how that allows us to get accurate
3 data. Right now, I think it really doesn't, and that becomes
4 a problem as well.

5 MR. PORTEOUS: You were right, but hate crime has to
6 be reported no matter what; but if a person is charged with
7 multiple charges, you're right that under the Uniform Crime
8 Reporting Program, only the most serious of those charges will
9 come forward. But the hate crime, no matter what, has to be
10 reported to our office.

11 MR. LEIKIND: It's reported, but it's not recorded
12 in the data.

13 MR. PORTEOUS: We will report it and publicly record
14 it as a part of our report, so it won't get lost. If the
15 police department, which they should be doing, does report
16 that, even if it was way down the list of offenses that this
17 particular person was charged with, they should be reporting
18 it.

19 MR. HASEGAWA: I know there are lots of other
20 questions. I just want to make sure that everybody in the
21 room realizes that we're in an open session now, so anybody
22 who wishes to come into this certainly may.

23 MR. KAELIN: Just to show I really did listen to you
24 when you said, "There's no such thing as a dumb question," I'm
25 going to take you up on that invitation. The question I have,

1 which is really very basic, is: If all these activities are
2 crimes anyway -- and it's for anyone on the panel to answer --
3 why is it important to classify them as hate crimes?

4 MR. PORTEOUS: My response, which would be the same
5 response to family violence -- although, there is a law in
6 family violence that has a separate little twist for getting
7 into court faster -- it's a public policy issue. We as a --
8 our legislature, our governor, our state has spoken through
9 its duly elected representatives, saying, We want to know
10 about this because this is a concern of the body politic, the
11 people of Connecticut. We want to know when it's happening.
12 We want to be informed that this is going on.

13 Otherwise, there's no means for getting the
14 information as to whether this is occurring, to what degree,
15 whether there are changes in the incidence of occurrences, so
16 on. Otherwise, it's invisible.

17 MR. KAELIN: The benefit to the public is what,
18 then? If you can identify them as hate crimes and you see the
19 motivation for the crimes and you could better eradicate it at
20 its source, is that the thinking?

21 MR. PORTEOUS: That would have to be my thinking.
22 Since I'm speaking as a public employee, I have a limited role
23 here. I'd like to have my two copanelists respond.

24 MR. LEIKIND: It is a public policy question, and
25 that's the right way to look at it. There's been a valuation

1 made that this kind of crime has a special effect. It has a
2 special effect not only on the individual, which may be
3 different from other kinds of crime, even if the specific act
4 is the same.

5 In addition, we sort of say, Listen, there's a
6 larger societal impact, and we recognize that crimes like this
7 really tear at the fabric of our notion of a pluralistic
8 democracy; we have an investment as a state in our communities
9 with seeing that these kinds of crimes are not only
10 discouraged, but that when they occur, they're subject to
11 special sanction.

12 I think that that becomes one of the principal
13 motivations here. Hate crimes pose a tremendous danger to our
14 society, is the judgment that's made. I think it's a correct
15 judgment, by the way. I think that there are people who
16 disagree with that, and there have been discussions about it.

17 MR. KAELIN: So there are enhanced sanctions?

18 MR. LEIKIND: That's correct. It's a Class D
19 felony, so, you know, if I'm a nuisance to you and let's say I
20 threaten you, ordinarily that's a misdemeanor. If I select
21 you for that threat because you're white, I could be subject,
22 on the bias and bigotry, for a Class D felony. It's a much
23 greater, you know, penalty than might ordinarily be the case,
24 which may also be one of the reasons why prosecutors shy about
25 using the statutes sometimes.

1 MS. MURPHY: I think that's such a good question. I
2 think it's the kind of thing we all want to talk about,
3 because I think it really is important. I think if you take
4 the real beauty of this statute -- and I think that it is a
5 beauty -- is that you can take something that, let's say,
6 defacing a synagogue. That, in and of itself is destruction
7 of property, not something that would have much of a sentence
8 attributed to it if you were found guilty of it. I was
9 looking through this because I would just like to read this to
10 you.

11 This is from the legislative history of this
12 particular act, and I'm not sure who was speaking at the
13 time. I read this before the Court in the first prosecution
14 that I spoke to you about. One of the legislators who is
15 speaking is saying: "A week ago, a week before this act was
16 passed, in Torrington, a synagogue was defaced. Let me say
17 what was written on the synagogue. It was written: 'Jews,
18 children of Satan. Jews, your judgment day is coming. Go
19 home Jews.'

20 "That wasn't a long time ago, ladies and gentlemen.
21 That was last week, and it wasn't very far away. It was here
22 in our state of Connecticut, and I think that it is incumbent
23 upon the legislature to make as strong a statement as we can,
24 not merely a symbolic statement, but a statement that says
25 crimes of intimidation, crimes based on bigotry and bias will

1 not be tolerated; and people who commit them and can be proven
2 to commit them will be punished more severely than if they had
3 committed the same crime without that kind of motivation."

4 That was the statement that was made by our
5 legislature when they passed this particular act, and I think
6 it is important because to say the words, to have the words
7 written on the synagogue, that would not be a crime that would
8 be punished. We make a decision that we want to punish those
9 kinds of crimes because they hurt society, they hurt the
10 individuals, and they even hurt the individuals who are
11 committing those crimes.

12 That's why this act was passed, and it's very
13 important because instead, that person would walk away. It
14 would be a misdemeanor; now it's a felony. Once you prove
15 motivation based on hatred, it's a felony, and that's a big
16 difference. There's a mandatory sentence.

17 THE CHAIRMAN: May I make a suggestion to Jack,
18 because it relates more to the role of the State Department of
19 Education. The superintendent of the Commission of Education
20 issues what we call circular letters, which most
21 superintendents take very seriously.

22 I remember I worked closely with Mark Shed
23 (phonetic) at the time he was the commissioner. He issued a
24 lot of them. There should be a circular letter issued by the
25 commissioner's office relating to this and insisting, for

1 example, that number one, all student handbooks -- every high
2 school has a handbook; we put it in ours in Bloomfield --
3 contain a statement on this issue, and all teacher handbooks,
4 because we have those too.

5 Now, when it comes from the commissioner's office,
6 it means more than if I make a statement to my client that he
7 should do it, he may not pay attention to me; but when the
8 commissioner says it, they tend to pay more attention to him.
9 So I think, Jack, that that would be a really great help in
10 making sure that every school system is aware of it.

11 DR. MCKENZIE-WHARTON: I would like to add, because
12 we still have a situation that a community is a makeup of
13 different feelings, that some type of mechanism, not
14 necessarily through the state department, but also through
15 churches and other entities, create conferences and night
16 classes for older people that are a part of that community.

17 Students that are going to school systems are not
18 just creating ideas and values out of the blue. They have
19 shared an impact from the community and parents and from
20 others. There should be some other education for them too.

21 MS. MURPHY: I think when a situation like you
22 talked about in Guilford, when that happens, wouldn't it be
23 wonderful instead of trying to hide it, that the swastika was
24 on the wall, that the community said, We need to have a
25 community conference. We need to talk about how this kind of

1 thing has arisen and how can we eradicate it. But
2 unfortunately, people are afraid, and what they don't
3 understand is that by doing something like that, they would
4 get rid of that fear rather than discouraging people from
5 moving there.

6 MR. LEIKIND: I do want to state for the record that
7 there have been communities in Connecticut that have been very
8 proactive in the face of incidents like that. Windsor is one;
9 the eastern schools once were very proactive; Danbury has done
10 some very innovative things at various times. I think that in
11 general, Maureen is right; there's a tendency to try to hide
12 these things.

13 MS. GROSS: I like the idea of a community
14 conference. I was going to suggest -- and I know that in
15 Guilford, specifically, there are different programs the
16 students and faculty and school board have been involved in --
17 but not everyone in the community knows they've been involved
18 in it. So the community conference still would be a useful
19 thing to have, even though they are doing something about it.

20 MS. MURPHY: I also know that Guilford, for
21 instance, has safe zones for students. They have what are
22 called "safe zones" for students who are subject to
23 harassment, particularly gay and lesbian students. They have
24 pink triangles up in certain areas so that those students know
25 that they are someplace safe that they can go and talk.

1 That came out of an organization called Children
2 From the Shadows, which is a conference that's held every year
3 in March for gay, lesbian, bisexual students, and it usually
4 has about 500 people there. I've been amazed -- I usually
5 speak there on the rights of students -- I've been amazed at
6 the number of school districts who are actually bringing
7 students to the conference and teachers that are doing it as
8 part of the educational curriculum. So I think there are a
9 lot of things going on. Unfortunately, there's a lot to be
10 done.

11 MR. LEIKIND: Let me, if I can, cite just one
12 example in Westport. They have a group of citizens who got
13 together -- we worked with them -- and they got together and
14 developed training programs for citizens, members of the
15 community, people from different community groups. They've
16 involved, at this point, a few hundred people.

17 Police have gone through training, community
18 leaders. Believe it or not, Westport has diversity issues
19 too. The police have gone through various training programs.
20 There have been programs in the high school, and it's part of
21 a fairly comprehensive approach that people have developed.

22 Their demographics are changing, and they began to
23 realize that they have educational needs that shouldn't all be
24 placed into the schools; the people in the community have
25 responsibilities too. So there are good things going on.

1 MR. HASEGAWA: David, would you like to make a
2 closing comment for us?

3 MR. PORTEOUS: I had a couple things I wanted to
4 mention. One was that there are initiatives in the U.S.
5 Department of Education, where they're developing curricula to
6 make available to school systems nationally. I don't know
7 what stage they're at. I know that New Haven has made a
8 contribution to that effort. So that's a source, a future
9 source for the schools.

10 Another thing I wanted to mention to all of you was
11 that this little handout just came to me yesterday afternoon,
12 about the end of the day, from New Haven. It was handed
13 out -- well, actually, it's a 64-page document that you can
14 call the 800 number inside and order -- through the White
15 House Conference on Hate Crime that happened, that Sergeant
16 Kelly Wardrop from New Haven PD attended earlier this week.

17 It's excellent. I just excerpted a few pages that
18 are really the most up-to-date information I know on hate
19 crimes in the United States, and a little bit of profiling in
20 there that's very useful.

21 I wanted to also say, generically, that I would hope
22 that whatever you decide to do with regard to this report that
23 you're putting together based on these hearings, that you do
24 give some significant role to raising public awareness of the
25 fact that these hateful actions against others, in fact, are

1 crimes; because they have been so, as you eloquently said,
2 raised to the point by our legislatures of saying, Look, this
3 tears at the democracy; this is something that is done to
4 people because they are who they are.

5 Therefore, I would just hope that somehow as an
6 outcome of your work here, that you are going to try to say
7 that someone should pay attention in the public policy realm
8 to addressing the fact that we don't know how extensive it
9 is. We know what's reported, but we know that raising public
10 awareness can make a difference, a major difference.

11 MR. HASEGAWA: I know that the panel may have other
12 questions. I just want to make sure that Reverend Echols or
13 anybody else, if you have comments, you're certainly welcome
14 to join us.

15 MR. KAELIN: I want to turn that around on you.
16 What I'm hearing from this panel is that the laws that we have
17 on the books here in Connecticut are actually quite
18 satisfactory; not exemplary. The issue seems to be getting
19 the public officials to enforce the laws as they are written,
20 and to raise public awareness of them.

21 Do you have specific suggestions as to how we could
22 improve that?

23 MR. PORTEOUS: As I said to Sergeant Wardrop
24 yesterday on this question, I'm going to say that you've got a
25 great model program here, and police departments don't need to

1 have T-shirts and bumper stickers and so on to take a
2 proactive, low-cost initiative within each of their
3 communities to make schools, the families, the public
4 officials aware of the fact that there is a law here, a set of
5 body of laws that needs to have, first of all, the public's
6 attention to their existence so they know when to report it to
7 the police; and, secondly, the police need to appropriately
8 respond.

9 So I would say that what New Haven is doing is
10 extraordinary, and they're putting time and effort into it
11 that probably only a large department can do. They have extra
12 money to do some extra things, but what the FBI recommends
13 minimally, in terms of a second level of review and attention
14 within the department to looking at these crimes, just start
15 there and then ask for a little proactive public outreach.
16 That would probably have a major payout down the road in terms
17 of public attention and enforcement. It's very simple.

18 MR. LEIKIND: I would just add that I think that
19 there are -- I think we have a good legislative scheme, but
20 I'm not sure. I think there may be areas where we need some
21 changes. I'll just give you an example: It could be that
22 some police who are tuned in to the fact that there's hate
23 crime legislation may feel, You know something? I don't want
24 to charge certain people with a felony.

25 Or it could be that prosecutors are not going

1 forward with these charges because they have the same
2 motivation. There are clearly enforcement problems. It seems
3 to me that that's understandable; that happens often with
4 legislation. It goes through a period where you experience
5 it; then you've got to look at it.

6 We have hit a time when we really need to study how
7 our hate crime laws are working, where they're not working,
8 and why. It may be that we just need some changes in regs or
9 to adopt some programs, or maybe we need to amend some of our
10 statutes. I think it calls for some serious inquiry on our
11 part.

12 MR. JOHNSON: In each of the three panels that
13 preceded you, that focused on other aspects of civil rights,
14 there were references to economic factors that were
15 influential forces relative to trends. Given in the state of
16 Connecticut that we have three of the top ten most affluent
17 counties based on per capita income in the country, along with
18 three of the top ten poorest cities in the country, the gap
19 between rich and poor, which is growing very rapidly in our
20 nation, is perhaps more apparent than most places here in the
21 state of Connecticut.

22 To what degree is this creating an environment that
23 contributes toward the generation of hate crime?

24 MR. PORTEOUS: I have to say that I really -- we
25 don't have any data to support that. I was even looking at

1 the trend of offenses reported '89 through '96, and if you try
2 to look at downturns in the economy and, you know, upswings
3 and reporting and so on, it's too uneven to even be able to
4 say that from the data that we have. I can't say any more to
5 that.

6 MR. HASEGAWA: The hard thing here is that what
7 you're pointing at, of course, is the reporting, and that
8 has -- if I understood what Rob was trying to tell us
9 correctly -- the reporting has almost no relationship to the
10 reality of how many hate crimes there were.

11 THE CHAIRMAN: It's like the iceberg.

12 MS. MURPHY: I do want to point you in a direction
13 that -- I don't have the answer to it; I don't want to -- but
14 there is a person at Yale University that I actually co-taught
15 the hate crimes, the unit to the police academy, and his name
16 is Donald Green. He's written a paper; right now, it's a
17 working paper. It's called, "From Lynching to Gay Bashing:
18 The Elusive Connection Between Economic Conditions and Hate
19 Crime."

20 I have a copy of it, if you just want to take a
21 quick look at it; but Don is very interested in this issue.
22 As I said, he does often teach the cadets at the police
23 academy.

24 THE CHAIRMAN: Maureen, is this something you can
25 make a copy of later, that we can incorporate with our

1 report?

2 MS. MURPHY: I probably want to check with him. He
3 gave me this copy when we taught together. It's a working
4 copy. It appears to be something that is published, but since
5 it's not mine, I'd be a little reluctant to do that.

6 THE CHAIRMAN: We do incorporate appendices with
7 reports, and it would be helpful if it was publishable.

8 MS. GROSS: I suspect there are a lot of people out
9 there in the public who don't even know there are such things
10 as hate crimes or laws that affect hate crimes, and that the
11 penalties are stricter, and what a hate crime really is. I
12 wonder whether one of the things that people could do is
13 something as basic as letters to the editor or articles for
14 newspapers to inform people that this exists, and also,
15 society should have something to do with it.

16 We, as the Commission, aren't permitted to send it
17 out in our name. Maybe we are; I don't know.

18 MR. SERPA: As private citizens.

19 MR. LEIKIND: It's a terrific idea.

20 MS. MURPHY: I think it is too.

21 DR. MCKENZIE-WHARTON: I have a question for
22 Attorney Murphy. I'm just a little curious: What type of
23 letter did the young man write after he finished his
24 in-service training? Because, you know, even though there are
25 punitive measures by law, the type of sensitivity training,

1 the donations, different alternatives like that, I would think
2 that that would sensitize someone to a cause, that others do
3 have a right to be what they are.

4 Would you have a copy of the letter that, even
5 though, let's say, someone might have helped him to write it,
6 he still had to sign his name?

7 MS. MURPHY: He did, and I don't have a copy with
8 me. It is something a can get a hold of. I did read it at
9 the time, and I can tell you that it was a good letter. He
10 did a very nice job.

11 Now, whether he had his criminal defense attorney
12 help him with it, I can't tell you; but my guess is, this was
13 a young man, and he was about to get married. I can't even
14 imagine what was going on with him. I think that this turned
15 a corner for him, that this is not the same young man that
16 stood outside that bar. I think that this was the right
17 experience for him, and I believe that it was very important
18 that it got the kind of publicity it did.

19 There weré big pictures; there were a lot of
20 articles about it in The New Haven Register at the time.
21 Because of the prosecutors maybe being afraid to charge
22 people, this gives the message that this law can do lots of
23 things. It's not about sending somebody to jail, if that's
24 not the appropriate measure. I think that that's what we
25 really do want to portray.

1 DR. MCKENZIE-WHARTON: My second question is: Who
2 thought of those measures?

3 MS. MURPHY: Well, I worked with my clients, but I
4 can tell you that as terrified as they were that night, they
5 did not want to see him go to jail. It was much more
6 important to them that he change his view and talk to other
7 people about it, and I think that's what it's all about.

8 DR. MCKENZIE-WHARTON: Even if he didn't change his
9 view, at least he was able to see another side.

10 MS. MURPHY: That's right.

11 THE CHAIRMAN: Reverend Echols, you told me you had
12 a question before, or do you wish to make a statement?

13 Reverend ECHOLS: Well, I'm a minister, so I'm very
14 averse to conversation about things that are going on. We
15 have members of our church that they don't try to hide what
16 they are; they're open. I know how to deal with it: The less
17 I say, the less people have to talk about, okay?

18 MR. HASEGAWA: Anybody else? Other comments or
19 questions or summary statements?

20 THE CHAIRMAN: The social, I believe, is going to be
21 held in Room 502, which is the room that most of us ate our
22 lunch in. I hope it's there, but I think she told me that's
23 where it was.

24 I will declare this hearing formally closed. There
25 will be a report issued. I hope that some of you signed up to

1 get a copy of the report when it issued. It's going to take
2 time because we need to get a transcript and then write a
3 report to go with it, but we'd be more than delighted to
4 forward it for any comments you would wish to make subsequent
5 to this hearing. We will incorporate those too.

6 Thank you again. Usually, the last session in a
7 hearing, most people are asleep; but I can tell you, at least
8 from here, nobody was sleeping. So thank you all; you did a
9 great job.

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11 (The hearing was concluded at
12 approximately 4:09 p.m.)

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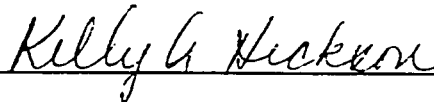
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C E R T I F I C A T E

I, Kelly A. Hickson, Notary Public
and Stenographer, do hereby certify that
the foregoing testimony is a true and accurate
transcription of my stenographic notes to
the best of my knowledge and ability.

WITNESS MY HAND AND SEAL, this 27th day of
November, 1997.



Kelly A. Hickson

Court Reporter