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In The Matter Of:

The 1998 Civil Rights Leadership Conference

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Massachusetts Association of Hispanic	[4] DR. BLANCHARD: Good morning, and welcome
[4] Attomeys 114	[5] to the 1998 Civil Rights Leadership Conference, I'm
[5] Question and Answer Session 118	Fletcher Blanchard, and I'm Chairman of the State
[6] ENFORCEMENT OF CIVIL RIGHTS LAWS IN MASSACHUSETTS	Advisory Committee for the U.S. Commission on Civil
[7] Yvette C. Mendez	I • • • • • • • • • • • • • • • • • • •
Member, Massachusetts Advisory Committee 142	Rights for the Commonwealth of Massachusetts.
[8]	79 There are 13 members of the Committee
Commissioner Charles E. Walker, Jr.	[10] currently, and seven of us are here today. We have
[9] Massachusetts Commission Against	[11] Kirsten Downs from Easthampton, Dale Jenkins from
Discrimination 146	[12] Boxford, Yoang Jung from Andover, Peter Kiang from
[10]	[13] Jamaica Plain, Yvette Mendez from Boston, who I
Justice Richard J. Chin	[14] think – there she is – Marc Miles from Newton,
[11] Massachusetts Superior Court 157	[15] Felix Vazquez from Roxbury. And the staff director
[12] Barbara Dougan	[16] for the Eastern Regional Office is Ki-Taek Chun, who
Lawyers Committee for Civil Rights Under the	[17] is here.
[13] Law, Boston Bar Association 164	[18] The State Advisory Committee is charged
[14] Erin Kemple	19 with advising the U.S. Commission on Civil Rights,
Housing Discrimination Project 176	po and consistent with its historic mandate, the first
[15]	
Zenobia Lai	[21] priority is supposed to be advising the Commission
[16] Asian Outreach Project, Greater Boston Legal	[22] in respect to voting rights. We are also supposed
Services 188	[23] to apprise the Commission of legal developments
[17]	[24] concerning discrimination and the denial of equal &
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[23]	[1] protection of the law.
[24]	[2] The appointments to the Committee, the
	— 131 Advisory Committee, are made by the Commission, and

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Page 5
3 Advisory Committee, are made by the Commission, and
[4] there can be from 11 to 19 members. Interestingly,
5 I think it's worked quite well for the Advisory
[6] Committee in the Commonwealth; the diversity that is
77 an official requirement of the Committee includes
political party membership and labor-management 45.3 **
191 variation as well.
       We hold fact-finding meetings at which we
[11] have the right to make findings and issue reports, ...
[12] and we hold more often informal briefings. We are.
[13] expected to meet at a minimum of twice a year and
[14] pursue one project within a two-year period. We
[15] have been meeting perhaps once every month and are
[16] trying to pursue a lot of projects.
      The Committee, I think, and I think this is
[18] somewhat of a national phenomenon, has had a hiatus
[19] over the last-few years: Speaking frankly, there is *
[20] still a political legacy of some of the federal
[21] disagreements about the role of the Commission that
[22] is playing out to this day. It goes back several
[23] Presidencies ago.
      Today, the Leadership Conference is what we
```

[1]	hope to be an event that will put the Committee's
	activities on the forefront of the public minds and
[3]	bring some more issues of civil rights to the table
[4]	for conversation.
[5]	We will in the next year or so hold
	regional mublic beggings around the state We

[6] regional public hearings around the state. We started in Springfield and had a three to three and [8] a half hour briefing about police-community p relations. On June 12th we will hold a briefing in [10] Lowell or the New Bedford area, and then we will [11] proceed over the next year or so to have a briefing [12] in Pittsfield, South Boston and Worcester.

We expect to compile and distribute within [13] [14] a few months a civil rights directory of [15] organizations in the Commonwealth of Massachusetts, [16] and that's one of the reasons why we asked you to provide us with some information as you registered.

We hope then to hold our second conference, [19] which we hope will again be a statewide event, and [20] focus at that time on youth and higher education [21] issues as civil rights pertain.

I would like to turn the meeting over now [23] to Marc Miles, who is going to talk to us about the [24] events for today.

Page 6 Page 8 [1] leaders from neighborhood and civil rights groups to [2] meet one another; secondly, to hopefully start some [3] dialogues on some very important issues; and third, [4] to perhaps direct the discussions beyond our current [5] politically correct culture to focus on some new

> Specifically, we would like to know which [7] [8] programs and ideas have worked and which have not 191 worked, which ideas of the past should be retained and which ones it's time to get rid, of, and perhaps [11] most importantly, what do we replace these ideas [12] with, what are the alternatives, what are the new [13] and different ideas and approaches.

So my message to each of you this morning [14] [15] is, first of all, try to have fun today, meet new [16] people, and hopefully hear some new ideas. And [17] secondly, I want you to feel empowered to speak your mind. Don't be afraid to challenge the conventional [19] wisdom and venture alternative ideas, for if you [20] fail to do that, this conference will not have [21] attained its goal.

I think at this point I would be amiss if I » [23] didn't thank a few people. First I want to thank [24] our distinguished panelists who have responded to

1 1 Page 7

DR. MILES: Thank you, Fletcher. Over the

21 last couple of years, the Committee has been meeting

B) and discussing what exactly is our role, and the

[4] conclusion that we've come to is that we as a

[5] Committee function kind of as a conduit, a

[6] facilitator and a catalyst to bring people together

[7] and to help resolve differences.

And that's the philosophy, for example, [9] behind the briefing we held last fall in [10] Springfield. Now, of course, we were interested in [11] hearing and ultimately reporting the views of those [12] involved in some high profile racial events, but [13] more importantly, we welcomed an opportunity to [14] gather people together in a room to hear each [15] other's views, and for them to know that we would [16] continue to be there until these matters were [17] resolved to the satisfaction of all sides. And [18] that's also the philosophy behind the planned [19] briefings around the state over the next year that [20] Fletcher just mentioned.

Well, we hope that this conference will [21] [22] also reflect this philosophy. Our goals for the [23] conference, in our role as a conduit and facilitator [24] and a catalyst, are, number one, to bring together

[1] our invitation and graciously volunteered their time [2] today to come out and create discussion.

Second, I want to thank some organizations who have helped fund this event, specifically the

[5] Massachusetts Bar Association, the Boston Bar

[6] Association, and especially BankBoston, who

generously sponsored the luncheon to which you are

্রাঙ্কা all invited later today.কাশ কেলেলার 💝 🧸 🤨 🥡

And, of course, I want to extend our thanks [10] to those of you who have shown interest in these [11] important topics and who have braved what may turn [12] out to be weatherwise an inappropriate first day of [13] spring.

[14] So thank you, and now I'll let the discussion begin. [15]

MR. JENKINS: My name is Dale Jenkins, and

[17] I apologize for this raspy voice this morning, but [18] we have a little laryngitis. I will act as the moderator for the first panel. The state of [19]

I am former Undersecretary of Public Safety

[21] in the Weld-Cellucci Administration, now Special [22] Assistant to the Governor for Law Enforcement, hence [23] the law enforcement panel that we have here today.

[24] And the topic today that we're looking at is what is

Page 13

Page 10 11] beyond community policing, community policing [2] towards the millennium, what things have worked, [3] what things have not worked, what new ideas are out [4] there.

We intend to have some frank discussions, [5] [6] raise some issues and questions. I would like to [7] advise everybody that there is a court stenographer present. So everyone is welcome, raise your hand, come to the podium, address the speakers, but let's [10] have one person speak at a time for the benefit of [11] the stenographer.

Some of the issues that we want to look at [13] are community relations, youth violence, the over, [14] perhaps, representation of minorities in jail, look [15] at some issues such as Weed and Seed, or there are [16] many names for the projects, but communities that [17] have been reborn because of police and civilian 1181 relationships.

So, the first thing I would like to do is [19] [20] ask each member of the panel this morning to [21] identify themselves and give us a five- or ten-[22] minute bio, who they are, where they work, and what [23] they're involved in right now.

We have wide-ranging subjects that we're

[1] what everybody else said.

MR. JENKINS: That's what friends are for.

DEPUTY SUPERINTENDENT ROBICHEAU: First of [4] all, my name is Larry Robicheau. I'm the Deputy 5 Superintendent of the Boston Police Department. In [6] my role as the Deputy Superintendent, I oversee what we call the Boston Special Operations Unit. That consists of the Youth Violence Strike Force, [9] commonly known in the newspapers or terms out there [10] as the gang unit. We also have the motorcycle unit, [11] the mounted unit, the youth service officers, the [12] harbor patrol, the bomb squad, and the new addition

One thing we would like to do is touch [15] on – and maybe I'm not the best one to touch on [16] community policing, because it's a neighborhood-[17] oriented initiative, and it's more of a philosophy-[18] that is interpreted by both the police; the [19] community and the business people as well as [20] schools, churches and other entities within a [21] certain defined community. So community policing in [22] Dorchester might be different from Charlestown, but [23] it is a philosophy, and the philosophy is not soft [24] on crime.

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[13] is the youth service officers.

We've reduced crime in the City of Boston. [2] Historically we would get up and we would brag about

[3] the figures and everything else, and we would go

[4] back into the community and find out people aren't [5] any better because the crime rate has dropped. We

[6] found out that the biggest problem was reducing,

[7] along with crime; the fear or the perception of

[8] crime, having people go out and sit on the stoop, *** ** *** 191 walk to the neighborhood stores, enjoy their

[10] community that they live in, not leave from one [11] point to the other and go to work and then come back

[12] and find themselves confined in a very limited area

[13] such as their household.

I think my sense is that community policing. [15] is working and it's very much alive in Boston. Some [16] people perceive community policing as the beat

[17] officer, the person that walks up and down the [18] street. Today, with technology being what it is, 4.

[19] the beat officer does provide a certain element of the second

[20] calmness within the community. He is approachable,

people like that, but the range of his policing is

[22] very limited. His response time is hindered, [23] because he has to walk, or if he runs down the

[24] street, it's perceived as an emergency.

[2] replacing that officer, putting him back in the [3] cruiser or leaving them in the street. We have how [4] are we going to get more minorities on the police [5] department, teach racial sensitivity, to actual

[1] looking at from what's next for the beat officer, to

[6] reinventing the justice system, which we have [7] academic representation here today that are looking [8] at that with our district attorneys and Attorney

General. [10]

[24]

So if I may, I would like start at the far [11] end and put my good friend Larry Robicheau on the [12] spot - you're welcome to come up and use the mike, [13] or feel free to sit in your chair - a little bit about what Boston has done.

And again, we don't mind taking questions, [16] after each speaker has spoken, or you can save [17] them. And there are several people that have asked [18] to address the Commission to have their remarks [19] entered in the record. If you have any written [20] remarks, we will also take them to enter them into [21] the record. Thank you.

DEPUTY SUPERINTENDENT ROBICHEAU: I think [23] this is kind of unfair. I was the last one invited; [24] I'm the first one to speak. I was going to copy

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	I
[1]	So we're using what we call now beat
[2]	teams. The beat teams support that individual
[3]	officer. The officer is equipped at roll call with
[4]	either a car, a bicycle, a motorcycle, sometimes a
[5]	mounted unit, where he goes out. What we've found
[6]	now is that some of these officers, what we've done
[7]	now is put bicycle racks.
[8]	In Jamaica Plain we've tried this. If you
[9]	see some of the cruisers out there, there is nothing
[10]	plain about Jamaica Plain, and there is nothing
	The transfer of the country of the transfer of

[10] In Jamaica Plain we've tried this. If you [21] see some of the cruisers out there, there is nothing [10] plain about Jamaica Plain, and there is nothing [11] plain about the mode of policing in Jamaica Plain. [12] It's kind of cutting edge where officers have a [13] bicycle attached to the back of their cruiser. They [14] go out, they get into their sector or their [15] community-based patrol area, and what happens is [16] they can park their bicycle – park the cruiser, get [17] out and go in and out of the community and be highly [18] visible.

[18] visible.
[19] Technology being what it is today, we used
[20] to respond to the 911 calls on an as-quick-as[21] possible basis. What we were finding out is that an
[22] officer that worked in one section of the city would
[23] just be up on the queue as far as being called to
[24] respond to another police call or an incident

Page 14 [1] within the community.

The beat concept, like I say, is rather
than just have that one walking officer, you have a
whole delivery from a police officer to a detective
investigator to a supervisor to a commander, all in
that one beat, and it shows at community meetings
that the input from the communities where we
in initiate this has been very positive.

[9] Are there any questions? (No response)

[11] MR. JENKINS: I'm sure they will develop as [12] we go.

One thing I would like to interject is a quote from U.S.A.:Today of 10/28/97, "Janet Reno: Cops is Lead of Race Healing. Attorney General

[16] Janet Reno told the largest international [17] organization of police chiefs that police

[18] departments were at the vanguard of racial healing [19] in the United States." Her quote, "Nobody can

[20] contribute more than a good, sensitive, fair and

[21] firm police officer to racial healing."

So I think that's one of the issues that we

[23] are looking at here today, and hopefully we'll see

[24] some of those things develop as we hear from some of

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[1] regardless of the priority. That would take that [2] officer out of his sector or his prime response area [3] to another section where he was just responding to [4] calls.

What we have now is the mobile data terminals in the car, which allow the officer to rack his calls. So if a broken window doesn't need so get immediate response, that call can stay there, and the officer can get to it after another call where he is not leaving his sector, so he is staying within that.

What we look at is, again, if I can just touch back on community-police relations, it is problem solving at the lowest degree. People say, well, I have to call the captain, I have to call the lieutenant, I have to call the chief, I have to call the commissioner. You know, we're chronic in that manner. What we would like is the officers to have the access to the City Hall, to the private community, and do problem solving.

[21] So problem solving has been working, and [22] the feedback is that the officers are now empowered, [23] and they're starting to enjoy this, and they're [24] looking at their rewards as eliminating the problems [1] the other inner city chiefs and the Colonel of the [2] State Police.

Jackie is from Weed and Seed, and I would
just like to mention that I was fortunate during the
Reagan and Bush Administration to help develop that
program, and it was really, I believe, the beginning
of community policing.

Weed and Seed, and I'm not going to take [
[9] Jackie's thunder away, she's done a marvelous job in
[10] the City of Chelsea, and I would like her to talk

[11] about how we are at the point of handing Weed and [12] Seed as well back to the citizens of Chelsea, which

[13] was almost in receivership, but Weed and Seed was [14] the balancing of and bringing in of a particular

[15] group of individuals where law enforcement and [16] social services would be used to clean up a

particular neighborhood, first a street, then a

[18] neighborhood, then a city, so as the need for law in the inforcement decreased, social services were then

[19] enforcement decreased, social services were then [20] brought in to help the community along.

[21] But it takes a very special person to [22] understand that, and we have had that in Jackie, so [23] I would just like to say that and ask her if she [24] would come up.

Page 18 Page 20 MS. RODRIGUEZ: Thank you, Dale, Hello, want to revitalize, that you know their problems [2] buenos dias. Can you hear me? I tend to speak very 12] there. Some sites across the country did not choose [3] softly. You forgot to mention that Weed and Seed is [3] to pick the worst neighborhood in the town; they [4] not an agricultural program, which everybody thinks. [4] picked a neighborhood that they thought they could MR. JENKINS: It also came from an old Bush work with and see quick results in. [5] [6] speech, but I left that out. Right now - let me just continue telling MS. RODRIGUEZ: I have the official you what has happened with the Police Department. [7] There were about four chiefs within 1993 that were [8] definition of Weed and Seed that I would like to [9] read to you, in addition to the fact that I brought [9] hired, and then in 1993, Chief Flynn-was hired [10] the application for Weed and Seed as well. [10] after – actually, there were four chiefs in one One of the few things that people don't year. In the fall of '93, the new police chief [11] [12] know is that any town can apply for Weed and Seed [12] districts and sectors were placed, there were [13] funding, and you need to first apply for Weed and [13] permanent shifts, and community policing went Seed recognition status. And currently in citywide. [14] Massachusetts we have four Weed and Seed sites, one [15] We went from a police department that was in Boston, Lowell, Chelsea and Woburn, and even mistrusted by the community to where we are today. within one town you can apply for more than one Weed which as you probably have read in the paper, our [18] new police chief is Latino, from South Miami, and [18] and Seed site. [19] will be on board in April. The Citizens' Police Let me just go on with the official [19] definition, which is that Weed and Seed is a [20] Academy is under way and has been under way for the [21] community-based initiative and comprehensive last couple of years. There is also a police [22] multiagency approach to law enforcement, crime athletic league in the community schools program [23] prevention and community revitalization. Operation that has been launched by Weed and Seed. [24] Weed and Seed is foremost a strategy, rather than a We have the Community Schools Program in [24]

Page 19 [1] grant program, which aims to prevent, control and [2] reduce violent crime, drug abuse, and gang activity [3] in targeted high-crime neighborhoods across the country. [4] Where we were when Weed and Seed first [5] [6] started in 1992 was, as Dale mentioned, we were in 77 receivership, and there was a lot of corruption [8] among the officials in Chelsea, and the Police Department was basically being charged with a lot of police brutality. And Weed and Seed came in and [11] began the whole community policing effort in that [12] town. One of the things that the Police [13] [14] Department did not have was bilingual police [15] officers. As you may well know, Chelsea is a town where unofficially about 45 to 50 percent of the [17] residents are Latino, and there were no bilingual [18] officers on the force. And with the Weed and Seed [19] funding, which at that time was about \$1.6 million [20] or so, bilingual officers were hired, approximately [21] eight were hired at that time. But it's more, as I just read, it's more

[23] than just a grant program. It is a strategy where

[24] you identify a neighborhood in your town that you

[1] the town which has been started in the last year or [2] so. And the goal for the Community Schools Program [3] is to minimize truancy among Chelsea youth by [4] involving Chelsea parents and to minimize gang [5] involvement, which was a real big issue a couple of years ago. And through the efforts of the Police Department and the community organizations; we were 18] able to get rid of most of the Latin King gang of the Park w members that in the town recruiting effectively the youth in our town. * * [10] The Community Schools Program is just one. [11] of the many programs that has been launched by Weed and Seed. Currently, there are other efforts under way. For example, the Boston Justice Ministries will be working with the Chelsea Domestic Violence Task Force, of which I'm the chair, to come and [17] train lay people and clergy in helping to create safe havens for women in churches. We also have a fantastic battered women's [19] [20] shelter in the town, but this is in addition to the [21] efforts on behalf of domestic violence, because it [22] is pretty much the number one cause for arrests in Chelsea, domestic violence. [23] We're also creating – we're sustaining a [24]

	Page 22
[1] soup kitchen in our town, because the need for he	
[2] meals on weekends has really increased, and we h	ave
[3] had the need to expand those kinds of services.	
[4] So as I said before, initially when I first	
[5] started speaking, it's a multiagency approach, and	
[6] what you need to become recognized as a Weed a	nd
[7] Seed site is to have a steering committee made up	of
[8] members of law enforcement. Dale attends our	
[9] steering committee meetings, which meet now on	ice a
[10] month, but it's law enforcement in addition to	
[11] community-based organizations, the municipality,	
[12] which all come together to look at neighborhood	s
[13] within the town that they would like to target and	L
[14] revitalize.	
[15] There are lots of other efforts that I	
[16] could talk about, but I know that we only have ab	out
[17] five minutes, so if you have any questions, feel	
[18] free to ask me, now or later.	
MR. JENKINS: Either way, now or later.	

MS. RODRIGUEZ: Does anybody have questions [20] [21] now? (No response) Thank you. MR. JENKINS: Thank you, Jackie. The next [23] speaker is Edith Flynn from Northeastern. Edith, [24] Jamie Fox and some of other professors have been

Page 24 [1] will try and identify some of those things for you. We do know that the Boston approach to [3] community policing is successful. If you are [4] looking at the crime rates in our city, I think the Boston Police Department has done a monumental job in turning things around, particularly when it comes to youth crime. One of the key elements and aspects to its 191 success has been its willingness to involve all [10] kinds of community activities, whether it's the [11] churches, the street workers, or the Probation [12] Department, the ATF, federal agencies, all coming [13] together, working toward a common purpose. It is [14] really the first time that a police department in [15] such a global fashion has involved as many community [16] activists, organizations, federal agencies and [17] organizations and state organizations, and I think [18] therein lies a key to the success. Beyond that, we have some other [20] evaluations, for instance, of Chicago, where some [21] researchers have found that there are continuing to

[22] be some problems with the implementation of

[23] community policing, such as a continued ambivalence

[24] among some law enforcement officers with regard to

Page 23 [1] very instrumental in looking at where community [2] policing will be going in the future, solving [3] problems with communities now, so I would like to [4] ask her to come forward. Thank you. PROFESSOR FLYNN: Members of the Committee [6] and guests, it's a pleasure and a privilege to be [7] here. I will condense my remarks, since I did not [8] know how long we were supposed to speak, and try to product to [9] concentrate on the main points. As was said earlier, community policing is [11] indeed a philosophy, it's a strategy, and it's also [12] tactics. And essentially it does mean a major [13] turnabout in law enforcement in the United States. [14] If it succeeds, it is bound to have a major and very [15] beneficial impact on how policing is done. Essentially, it does turn the activities of [17] the police quite literally upside down in terms of [18] approach, and particularly since it involves [19] community partnerships and the focus on problem [20] solving, which is not where policing has been in the

Since community policing has been around

[23] for a while, we do have some data and some evidence

[24] in terms of whether it works and what works, and I

[1] their new tasks and responsibilities. I look forward to hearing from Colonel [3] Hillman, because one of the interesting aspects of [4] community policing is a major criticism to the [5] quasi-military model. Now, I would submit that I do [6] not think that all police activities can set aside [7] the quasi-military model, because there are some [8] activities that will still require that kind of \$500 at \$5 g discipline. What we need to do is find the key in [10] terms of where it is appropriate, for which [11] activities, and where community policing differs in [12] its approaches. But that is certainly an issue that na needs to be addressed. [14] In addition, research indicates that [15] community policing, like beauty and another subject [16] that the Supreme Court has addressed, is in the eyes of the beholder, which means that there are a lot of [18] different modes and approaches to it. Because [19] community policing is so popular, many departments [20] have simply, across the nation, adopted the model... (Pause) [21] In any case, many, many police departments [23] think or maintain that they're having community

[24] policing, when in essence they're simply calling

[21] past.

(1) what they have been doing all along this particular [2] new approach.

Now, just focusing very quickly on what community policing may mean, particularly as we head into the future, essentially we need to address goals, people, services and technology.

Now, when it comes to goals, the goal of policing remain the same. We are talking about services, maintaining order, and enforcing the law. With community policing, we're using different vehicles, as I said earlier, such as community partnerships and problem solving, but the goals remain the same. The key for police management is going to be how can we reduce role ambiguity and confusion when it comes to doing the work of the police officer.

Focusing briefly on people, the research indicates very clearly that we need to focus on appropriate recruiting, appropriate selecting, and also good education and training for our community police officers. Recent research by a fellow by the name of Himmelfarb in 1997 indicated that the Royal Canadian Mounted Police basically had to give much greater consideration for the citizen client

[1] be assessed to make sure that there is client 22 satisfaction out there.

My final comment deals with the technology
of policing. And essentially we do know that police
represented are not only at the pulse of the community, but
represented they're also really at a point where an awful lot of
represented are being gathered, yet they very rarely really
represented and utilize those data to formulate policy,
represented to adjust, if you will, what they're doing and go
represented to the community and improve their performance.

[14] So I think there is plenty of room for [12] interplay between communities, police, and also [13] research organizations such as mine, where we can [14] together work and identify and serve the public [15] better than has been done before. Thank you. [16] MR. JENKINS: Thank you, Edith. One of the [17] things that modern day policing, one of the problems

[18] they're facing, is where does training stop and [19] education start, when does the community police [20] officer stop being a police officer and become a [21] social worker, and how are we going to address those [22] things in the future.

[23] And I have in my hand right here a copy of *** **
[24] what's called the Latin King Bible. The Latin Kings **

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Min-U-Script®

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[1] concerns in Canadian policing, and they found that [2] they had to really much more comprehensively address [3] everything that they are doing as far as law [4] enforcement is concerned.

The Houston Police Department is another [6] good example where community policing has been [7] implemented for a while, and they have developed [8] what they call a cascading training program for each [9] rank level to make sure that everyone who performs [10] in certain functions knows specifically their [11] responsibilities and their duties.

With community policing goes more than just having interaction with the people in the community, it literally means enlisting them, their assistance, and looking upon them as clients of the police, which is really a major turnabout for police from where we have been with the so-called professional model.

Police are not a closed system, and citizens do have a legitimate right to have an input into police goals and objectives. And police do, I think, increasingly recognize that the focus has to be on service, service to the clients. Essentially the quality of service is going to be what needs to

Page 29 [1] are a group of Hispanics which started in jail as a

[2] brotherhood, a gang, if you will, and they have a
[3] set of rules and regulations. And one of them, No.
[4] 34 – this was compiled by a Miami police officer;

[5] and I had the good fortune to run other into others [6] on the task force, and with the aid of federal,

people who have played the system.

[11] On one hand we have community policing, [12] where we have to take the predators off the street; [13] on the other hand we have to play a role in social [14] working, perhaps replace the family that isn't, [15] there.

And again, one of their rules, there are many here, what's not allowed, snitchers aren't allowed, disrespecting is not allowed, but No. 34, allowed, but No. 34, allowed, what is a solution to give you an idea of the oath that these people take, "A brother may not put God, family, friends or parole before the Latin King nation." So it gives you an idea of the tightness and what law enforcement faces.

So, with that, I would like to ask Chief

Page 30	Pag	ge 32
[1] Gardella from Worcester to come up. They're doing	[1] the drain because the cop isn't effective.	•
[2] some very good programs in Worcester, especially	[2] Some areas where community policing has	
[3] with antigun work. Worcester alone has suspended	[3] failed, they have done so because we are asking	
[4] many, many pistol permits under their new system,	[4] again the police officers at the lowest possible	
[5] but again, let me allow him to discuss it.	[5] level to become problem solvers, to have certain	
[6] CHIEF GARDELLA: Thank you, Dale. Good	[6] authority and responsibility that many of us on the	
morning. Because there are so many of us, I am	17] upper levels really don't want to give up; the chief	
[8] going to keep my remarks brief. So in conclusion	[8] doesn't, the deputies, the captains, the deputy	
p (Laughter)	[9] superintendents, and the sergeants don't want to	장면
[10] MR. JENKINS: He's also the funniest chief	[io] give up this authority.	
[11] in the Commonwealth,	[11] Everything comes with a story, so I'll tell	
[12] CHIEF GARDELLA: For which I get no	[12] you a story about a young black officer who came to	
[13] compensation. There is a song from Fiddler on the	[13] our academy before I became Chief of Police, and I	
[14] Roof called "If I Were a Rich Man," and Tevya says	[14] was an instructor at the academy, and I watched this	
[15] that when you're rich, they think you really know,	[15] young man sit in the front row staring at his shoes	
[16] and when you reach certain positions, they think you	[16] most of the time. As Dale said, I pride myself on	
know all the answers. You will find in very short	once in a while to be able to get a smile out of	
[18] time that I don't know all the answers, and I don't	[18] somebody and get their attention, and I failed	
[19] believe any one of us knows all the answers, even	[19] miserably with this guy.	21
[20] though we're often expected to know all the answers.	[20] And I asked the training instructor what	
[21] You've heard some thoughts on our community	[21] was with him, and he said, "He has been here a	
[22] policing, and it's all true, it's tactics,	[22] couple of weeks, and he doesn't really pay a heck of	
[23] philosophy, strategies. But it's amazing, if you	[23] a lot of attention. He's a bright guy, nice fellow,	
[24] follow the history of policing over the last couple	[24] but his mind is someplace else." And shortly	

Page 31 Page 33 [1] of decades, how things have changed, how when I was [1] thereafter, he left the Police Academy. We found [2] a kid, we all knew the cop on the beat, and you [2] out that his family and friends and the girl he was 3 always were walking police officers, and how that g engaged to all felt that he should not be a police [4] has changed through technology, because of expense, [4] officer, that being a cop was a terrible thing for [5] because putting a police officer walking is the most isi him to do. [6] expensive type of patrol, and we've changed, and I saw him about a year and a half later in 161 [7] computer technology now makes it possible for us to 7 our parking lot, and he was in an Army uniform [8] know where we're supposed to be and not just do 18] because he is in some reserve unit, and he said, policing by accident. [9] "I'll be back. I've resolved a lot of personal-" Community policing is obviously a tripod to [10] issues, and I'll be back." And he is back, and he [10] [11] me. And that's the work of the community, the work [11] is kind of like my conscience, and he leaves me [12] of the police, and then very often forgotten, the [12] notes, "You are not doing this, your conscience. [13] work of the city, the municipality in which we live. You could do this better. Your conscience." [14] Without the cooperation of City Hall or Town Hall, I ran into him a few months ago in the 1151 we will fail. [15] parking lot, and he said, "Hey, I want to talk to And that's one of the difficulties they had [16] you," and I tried to get in the car quickly and in Houston, because if we are asking the cop on the [17] drive away, but he was too quick for me. He came [18] beat, the person closest to the problems, to be a [18] over and he said, "So you're the guy that keeps [19] problem solver, and there are issues of cleanliness, [19] giving us this business about community policing, [20] potholes, need for streetlights, boarded-up [20] huh?" He said, "Well, I'm going to tell you how [21] buildings or buildings that should be boarded up, [21] it's working," and I said, "Oh, God, oh, no." [22] and if he or she calls City Hall, the Health He said, "I was just dispatched to a call [23] Department, the DPW, they get blown off and they [23] to a store downtown where two young boys, 13, 14 [24] don't get cooperation, community policing goes down [24] years old, were caught for shoplifting." He said,

		Page 34
[1]	"One boy has a record, not much of one, and the	-
[2]	other boy, I know his family, not well, but I know	
[3]	them, and they're a very fine, responsible family.	
[4]	"So I want to get involved with these	
[5]	kids. And that's what you have been saying that	
[6]	community policing is. I want to do more than just	
[7]	put the cuffs on them and drive them to the	
[8]	station. I want to get involved with these kids.	
[9]	"So I called my supervisor, and you know	
[10]	what he told me? He said, 'Go right ahead." And	***
[11]	he said, "I was able to get to the court with these	
[12]	kids. I was able to contact the family. I'm going	
[13]	to see these kids afterwards. I'm going to work	
[14]	with their probation officer. I'm going to work	
[15]	with school officials to make sure they're in	
[16]	school," and he said, "This is great."	
[17]	And I thought, isn't that wonderful that it	
	is working for him, because that one supervisor that	:
[19]	he spoke with said, "Sure, go ahead and get	
[20]	involved." And if he didn't, all the philosophies	
[21]	that we have espoused, all the training would have	
[22]	gone down the drain. And all of us know that	
	nothing gets done unless there is a recognition of	
[24]	need at the top. But the top - there is a top at	

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       So I had coffee with this young man, and I
 [2] told him a story that Peter Kearns, who was last
[3] year's president of the Massachusetts Chiefs of
 [4] Police Association, related to me. Peter was out of
[5] town at a conference, and he met a police officer
[6] with 30 years experience, and he said to the guy,
"What do you do?" He said, "I'm the chief of
police." Peter knew he wasn't the chief of police,
[9] and he said, "What do you mean, you're the chief of
[10] police?" He said, "I am the chief of police. On my
[11] beat, in my route, I am Jesus. Everybody knows me."
       And I told this police officer, "Not just
[13] the people at the doughnut shop know you, the people
[14] at the bank, the shoe store, the jewelry store, the
[15] garage, everybody should know who you are. Nothing
[16] should happen on this beat without going through
[17] you."
      Now, we have a very unique, thanks to our.
[19] school superintendent, truancy program. They have a
[20] three-day truancy program in the City of Worcester,
gand it's held off of school grounds in a building.
[22] just neatly, coincidentally, where the Juvenile
[23] Court is housed. But they ask police officers to
[24] pick up the kids who may be truant and bring them to
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So sometimes it fails because people at the [2] [3] top of their level do not want to give up that [4] authority and responsibility. Sometimes community [5] policing does not work well because there is that [6] lack of assistance, cooperation, on the municipal 回 level. And sometimes because community policing leads to problem-oriented policing, get out there [10] and solve the problem, the cop soon realizes that you can't solve every problem, you can't go into a domestic situation and for 20 minutes or two hours [13] solve a problem that's been existing for 20 years, [14] perhaps. We can't always change a child's life. We can't go home with them. So it gets extremely frustrating for some police officers, and then as Dale alluded to, this [18] cop could say, "This is not why I came here. I did [19] not come here to be a social worker," Not too very long ago one, of my biggest [21] critics on the Police Department was telling [22] everybody that I just cared - like I had never [23] walked a beat before or ridden in a car before. He [24] said, "All you want to do is social work."

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Page 37 [1] this building, and they go through this three-day [2] program, and it involves their peers and their [3] parents. And he thought this was social work. "We [4] shouldn't be involved in this stuff." I said, "Well, you know that most [6] housebreaks are committed during the day. If you don't, you should. You know most shoplifting is' committed during the day. If you don't you was a second p should. People are out on the street; that's how they learn how to become involved with gangs. Idle [11] hands are the devil's play tool. You should know [12] this. "So if you are taking that young man or 🛫 [14] young woman off the street and getting them back in [15] the school" - by the way, the school has phenomenal [16] results with this truancy program - "you are preventing him or her from being involved in crime. [18] You are getting involved in this kid's life. You --won't have to be chasing him or her in a stolen car to the [20] later in the day." [21] So some of the thinking that we have isn't [22] the most healthy. "I don't want to be a social [23] worker." Look how the schools have had to change [24] the way they do business. They are like second

[1] every single level.

Page 38	rage 40
[1] homes and second parents for these children. And	And after a very lengthy conversation that
[2] that came the difficult way.	[2] was early in 1992, I have heard from Civil
[3] In my mind, clergy have the easiest access,	[3] Liberties, I think, four times. When they have a
[4] the most credibility, the best access to people's	[4] situation, they refer the person to us or they call.
[5] hearts and heads than all the cops, all the lawyers,	[5] We communicate. They are not the enemy. And if I
[6] all the politicians. And I think the role that the	[6] was in their position, like if I was a defense
[7] clergy are now playing in our society has changed	[7] lawyer, I would use everything at my command also to
[8] considerably, getting more involved with the	[8] get my client off, everything legal.
[9] day-to-day living of their parishioners.	We changed the way we do recruiting; both
[10] The other thing is that, you know, if we're	[for minorities and nonminorities, and I'm proud to
[11] going to be administrators and ask the cops to go	[11] say that - the reason why I had gotten involved
[12] out there and shake your hand and get involved, then	[12] with that, before I became a chief, somebody said,
[13] we have to show the way. People at the top have to	[13] "Hey, why don't you become the minority recruiting
[14] show the way.	[14] officer." I said, "Sure. What does that mean?
[15] Shortly after I became Chief of Police in	[15] What do I do?"
[16] 1991, I called in everybody who felt alienated from	[16] But fortunately I got a group of people
the police, everybody. And I don't have to go down	around me who do a terrific job in that, so I am
[18] the list, you can well imagine. And the room was	[18] very, very interested still in how we do our
[19] packed with all these folks who felt "Cops don't	[19] recruiting. We have recruited more minorities for
[20] care about me. Cops abuse me. I can never talk to	[20] the last exam than ever before in our history, and
[21] a cop. I don't know what they do, who they are, and	[21] within the next month we will be putting out a
[22] they don't want to know who I am." I said, "Come on	[22] recruit class that proudly will have the first two
[23] in," and I said, "I don't know where we're going	[23] Asian officers ever in the City of Worcester. That
[24] here, but the door is open, here's my number, and	may not be a big deal in this city, but for us it
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Page 39 Page 41 [1] whatever you want to talk about, we'll listen." [1] is. It's a landmark for us. We changed our citizen complaint form, made You have to show them the right stuff. You. [2] [3] it much easier for people to fill out. We are now 13] have to be really concerned about what you are [4] printing it in English and Spanish and Vietnamese, [4] doing. None of us – I don't know what you all do [5] instead of Latin, which was a little tough for most [5] for a living, but I dare say, if you are involved [6] people to fill out. Priests did great with it, but [6] with the type of work that we're involved in, you're [7] we didn't have too many complaints from them. [7] not in it for the money. You're in it because your "Sure, come in, go fill that out." (Laughter) heart dictates things that you should do the things. [8] We now distribute them throughout the city No one knows all the answers, but we try. [10] at City Hall, neighborhood centers, make it easy for [10] And the interesting thing about all of this is we [11] people to complain, and naturally the police [11] all make notes and steal from each other and go back [12] officers on the job said, "What are you doing?" My [12] to our own organizations and say, "I've got a great [13] philosophy is, if you open the door, people won't [13] idea." That's why they hate me when I go to [14] listen at the door thinking you're scheming. Keep [14] conferences. Thank you very much. [15] the door open where they can easily look inside, and MR. JENKINS: Thank you, Chief. One thing [16] they will feel everything is on the up and up. [16] I would like to mention too is the Chief is the Perception. We went to Civil Liberties, [17] sponsor of a bill – again, one of the things about [18] who had just put out a study over a year and a half [18] community policing that we're seeing is the people [19] or two years of all these alleged complaints, and [19] at the top have to be multitalented. Again, I have 3 [20] some were true, absolutely true, toward police. I [20] the pleasure of sitting on a group called Illegal [21] went to their office, and I said, "Why did you wait [21] Firearms Trafficking Task Force, where the original [22] a year and a half to tell me, to tell the public? [22] 13 states, now D.C. – it has been expanded – all [23] If we have an officer who indeed is abusing people, [23] the governors including ours have signed on to cut [24] I would like to know today." [24] down the introduction of illegal firearms into

[10] move that bill along.

[1] Massachusetts. It's a large priority with Governor [2] Cellucci, and it was with Governor Weld, and again, [3] this is a bipartisan committee.
[4] But Chief Gardella has introduced a bill [5] for mandatory sentence, which some of our judicial [6] friends may have argument with, but a mandatory sentence for those people who sell guns to youth [8] that commit crime. It's a novel idea; it's not law

[9] anywhere else in the country. We're trying to help

[11] I would like to ask Westley to come up.
[12] One of the things I find – I'm sorry, I skipped
[13] Chief Meara. Excuse me. From the second largest
[14] city in Massachusetts, Springfield, Chief Meara is
[15] one of our leading authorities on policing here, in
[16] community policing. She's had several difficulties
[17] in her town, and we feel that she stepped forward
[18] and addressed those in a most brave and unique way.
[19] So I would like to ask her to come forward now.
[20] CHIEF MEARA: Good morning. I'm probably
[21] the least likely candidate to have ever become chief
[22] of police, to be very honest with you. Back in the
[23] '60s, and I don't want anybody adding or

[24] subtracting to find out how old I am, I was a

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[1] differently than the traditional police officer very
[2] early in my career and was very aware of things like
[3] domestic violence was not anything that was handled
[4] in the courthouse, that people were told to walk
[5] around the block. And I spent the first half of my
[6] career working in domestic violence, drugs, rapes,
[7] crimes of violence, the second half of my career on
[8] patrol.

[8] But then two years are I became chief of ar

But then two years ago I became chief of a department that had just begun community policing about ten years behind the wave of many other cities in our country, and a city that was resistant to changing its values in terms of the police officers, not the city, the police officers' resistance to giving up the old culture.

The old culture was that everything that we didn't communicate with the community. We told them what we thought was the way policing ought to be, ought to go, and we were the experts and they should listen to us. And we had just begun community policing, and as a captain, I just begun community policing, and as a captain, I just do have to get permission to talk to community groups.

So one of the first thing I did when I was

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[1] secretary at the courthouse and became aware that
 [2] there were a couple of policewoman positions, less
 [3] than 1 percent of the department. However, you
 [4] needed a college degree.
 [5] So I went to college nights, while I
 [6] worked, and got my college degree to become a

[7] policewoman in Springfield, which I finally did in
[8] 1974. A couple of months later, they did away with
[9] that position; it was discriminatory. I then had to
[10] come on as a police officer, and because policewoman
[11] hadn't been allowed to take promotion tests, I ran
[12] into difficulties all the way through the line with
[13] Civil Service, but eventually went through the Civil
[14] Service ranks, policewoman, police officer,
[15] sergeant, lieutenant, captain, and now chief of
[16] police.

I really started out on a force that was pretty traditionally 6'2" white male type of police force, and I had police officers that would open the window to keep me freezing in the winter and not let me talk on the radio, and go home sick when they were told to ride with a woman.

[23] And probably I was some of their worst [24] nightmares, because I began looking at things quite

[1] chief was say that police officers were allowed to [2] talk to everyone and kind of gave them back the [3] First Amendment. But what I really faced was trying [4] to change a department from being radio reactive, 911 driven, into becoming proactive and prevention oriented, and I'll tell you some of the ways we did [7] it. [8] YAS Although we had a couple of small operating A. A. S. community policing pilots for a year before that, no they were just small neighborhoods. We now spread [11] this throughout the city, where we have the same [12] cops assigned to the same neighborhood, very [13] traditional in terms of the community policing that [14] we had seen over the last few years in other big-[15] cities.

But what we did was, we began to form beat management teams, where the police officers in the neighborhood sat and discussed police problems, and neighborhood problems, community problems with people from the neighborhoods on a permanent basis. And these teams were mostly citizens with a few police officers.

We had representatives from social

[23] We find representatives from social [24] agencies, we had representatives from different

Page 46
[1] neighborhoods, perhaps housing projects, somebody
[2] from the neighborhood council, that type of
[3] representation that's very across the board. And we
[4] began to look at the problems of the neighborhood
[5] instead of just going after the problem occurred and
[6] taking a report.

We're now doing things that seem to be very minor, when you talk about them, but have made the planting neighborhoods much more liveable, simple things populate, if there were a number of people that began repairing cars on their property, to go with the people neighbors, with the beat management team, to go and planting knock on their door and tell them it was illegal and that they were inviting crime into the neighborhood by causing decay, and explaining the feelings of the police and the neighbors to people.

[16] police and the neighbors to people.
[17] Simple things like providing lights: We
[18] have a lights program where we're providing sensor
[19] lights, and we have some electricians that have
[20] donated free time to help people light the lights in
[21] their neighborhood to make it safer. And doing
[22] additional crime watches, teaching people that we
[23] will support them if they want to help take
[24] responsibility for their neighborhoods.

[1] out in these small pilot programs, and they were [2] trying to solve problems, but they couldn't really [3] command the resources.

By putting the top command officers out into the neighborhoods, the captains, they were then able to come into weekly meetings that I hold, and they were able to command the resources, because I put the bureaus under lieutenants at a lower rank.

So it's a matter of rearranging the rank structure, decentralizing the power and the authority out into the neighborhoods, which really changed a culture in thinking.

[13] The other thing about the command meetings [14] is you're allowed – that allows us to quickly move [15] our resources in order to solve neighborhood [16] problems, something that we didn't really do before [17] in such an organized fashion.

As a result of the beat management teams
[19] meeting, we now have community prosecution where our
[20] District Attorney has assigned prosecutors to
[21] neighborhoods, and they fast-track people that are
[22] seen as predators to the neighborhood, and it might
[23] not even be the type of crime that you would think:
[24] It might be someone who is doing housebreaks in the

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[1] neighborhood, or it might be someone that's driving [2] through the streets in such a manner that they feel [3] that there's going to be a death may occur through a [4] traffic accident.

So the District Attorney's involvement with
community prosecution has allowed the police
region officers to work to assist the neighborhoods and
make them more liveable as well. We now have a
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All of this makes the city more liveable, and it also changes the officers' thought process, so that their values are changed. We used to value making arrests, and instead now we're valuing livability in the neighborhoods, and it's by actually doing it that their values will change.

Another thing that we've done is we're changing our academy curriculum so it's a values-

Right now we're having a problem with some homicides in the city, on women that are involved in drugs, so we're trying to do some public safety training. We're going into the neighborhoods, and we're talking about the dangers of drugs. We're telling people that we became desensitized to seeing drug dealers dying on the streets. We realize that that was a mistake. We work very hard in getting the guns off the street, but these are also victims unfortunately of drugs, because they are out in the more vulnerable.

So we're trying to prevent deaths while
we're trying to solve the homicides by letting
people know the dangers, talking to them about
setting into rehab if they have a problem, and
talking very freely about everything that we can
shout the investigations, and telling them nothing
that we're unable to, but telling them why. At
least people feel as if we're not trying to keep
least people feel as secret anymore.

Okay. So to go on with community policing, I decentralized my command officers into the neighborhoods. Before, we had sergeants that were

[1] driven model. For instance, we don't just teach [2] them how to technically write a traffic ticket, but we speak to them about fairness in enforcement and 141 issues such as that that are important to the people [5] in the community.

We do, of course, sensitivity and diversity [6] [7] training in the academy, but I showed my values by [8] putting our first openly gay police officer as one [9] of our training officers in the academy, and things [10] like that send a message, send a message to the officers on who you value. [11]

Another thing that we've done is to try to [12] 13 reduce what the public perceived as police [14] brutality, but what police officers perceived as [15] reasonable force to effect an arrest. We try to effect that through technology.

For instance, we just changed our batons [18] from the long nightsticks, which, if you pick them [19] up, you almost naturally, no matter how much [20] training you have, you still naturally use them with [21] an over-the-head motion. Instead we use the PR-24s, [22] which have a handle on them and are used from the [23] waist and are able to direct people and be used in a [24] more effective manner and with much less injury than

Page 50 Page 52

[1] gangs, tells them, "We're not going to allow you to [2] carry guns on our streets. You are going to be 3 stopped. We're not going to allow you to scare our [4] neighborhoods. We know who you are, and we think, [5] you know, you should be obeying the laws like [6] everybody else," and to just try to meet them before we get into serious problems, to try to meet with them and let them know that we're watching. We would like to eventually extend that to where we are [10] working together on issues such as jobs, et cetera.

We also have a Citizens' Police Academy, [12] which has produced such positive results that people [13] come out of the Police Academies, the citizens, and [14] they really want permanent relationships with the [15] Department, and many of them have volunteered and [16] work in some of our community service offices that [17] we have just decentralized and spread out in 🤫 🧀 different sections of the city. ** ** ****,

But beyond this traditional Citizens' Police Academy, in the last year and a half, I've [21] started Youth Police Academies, which are shop [22] rotations in the high school, in the vocational high [23] school, where students spend a 12-week school period [24] with officers, and we bring them right into the

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[1] the traditional nightsticks had been. So that's [2] another way that we can effect civil rights.

Other things that we've done are the [4] programs that are traditional such as DARE, and then we've added to it a student support unit, where we [6] now have a group of 16, and now it's going up to 20 in September, police officers that work full-time in our schools, just to be there for prevention.

What that has done is, we have not had any [10] major incidents. We don't have weapons taken into [11] the school. Every now and then we'll do an unannounced locker search, but it speaks to prevention. And at the same time, it speaks to [14] young men and women in their formative years having [15] access to police officers that they can talk to and [16] visit with every day, who encourage them to speak [17] about problems, such as recruitment into gangs or [18] problems with peers that are trying to suggest that [19] they use drugs. They are able to meet with and talk [20] with those police officers, know them on a permanent pall basis, and be able to use them as problem-solving

tools for them in very difficult years. We also have a gang unit that is looking to [24] prevention. It goes out and meets with people from [1] station, we bring them up to the State Police

[2] Barracks, we've brought them even up to the jail. 4

We talk to them about careers in law enforcement.

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We talk to them about what it takes to be a good

citizen. By the time they graduate, they actually

[6] have told us that they feel like they're almost

ambassadors for the Police Department.

38 Our first Youth Police Academy, I had been 35% 154 15

planning it before we had the problem that was

[10] spread in the press as the Nubian Nightclub ***

[11] incident, where we had hundreds of youths come to a

[12] nightclub that was over a bar, and there was a room

that was only approved for about 200 people.

We had someone that was unhappy, a client, [15] a customer that was unhappy about not being able to get in, and he had gone home, gotten a shotgun, was going to spray the shotgun at the people waiting to [18] get in. But because the police had been called

[19] there, he was deterred and was going around the [20] block again, changed positions in the car, and a

[21] 15-year-old got shot in the abdomen by accident

while he was changing positions.

At that time the police were dispersing the [23] [24] crowd, they heard the gun fired, believed that the

We also do things such as the chaplains on [2] call program, where we bring - where we have a [3] group of chaplains that volunteer to work with our

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[1]	police officers were shooting at them, because they
[2]	heard that gunfire, they saw our car screeching to
[3]	that "Shots fired" call - as Chief Gardella said,
[4]	how you go to a call sometimes makes a difference.
[5]	But when we started our Youth Police
[6]	Academy a few months later, the youth were very
[7]	angry at the police, and it was hard for us to even
[8]	find students for the first Youth Police Academy.
[9]	But by the end of that first Youth Police Academy,
[10]	the students had been able to communicate; talk-
[11]	about things that had occurred, as well as other
[12]	current events, and just the dialogue made them
[13]	understand, in a different manner than they wanted
[14]	to understand while they were in a middle of a
[15]	mess.
[16]	And now we have too many requests for that
[17]	Youth Police Academy. We've won two state awards.

[4] officers. They are on call. We bring them in when [5] we have a serious incident. For instance, we had a shooting that involved one family member that shot and killed 181 another family member. Of course, at the hospital. while the police are trying to sort out the facts: [10] You have a family that's hurting from the aspects [11] of - they're the family of the perpetrator as well [12] as the family of the victim, and it was quite [13] hectic. But by bringing a chaplain in there, they were really able to redirect their energies into [16] instead of being aggressive and fighting and having [17] a situation where we might have to make arrests of a [17] Youth Police Academy. We've won two state awards, [18] family that was already in pain, they were able to [18] educational awards for it, and both the youth and [19] the police officers have been very excited about the [19] redirect that pain and that acting out into prayer izo ability to communicate that has been brought up 1201 for the one that they had lost. [21] through this Youth Police Academy. So it has really assisted us in situations We also have a program that's called "Say [22] that might have been seen as excessive force or [23] Neigh to Gangs and Drugs," where we bring troubled [23] police brutality or harmful and hurting to the [24] youths in fifth, sixth, seventh grade into our [24] community, but yet where legitimately people were

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Page 55 [1] stables, where they're able to meet with mounted [2] patrol officers, talk about problems with gangs and [3] drugs that they encounter, and at the same time [4] learn about the care of horses and about the police officers themselves. [5] They're given some education and allowed to [6] [7] actually learn to ride the police horses as they're [8] learning about gangs and drugs. That has been very, [9] very successful. And besides teaching the kids that [10] they can communicate with police officers, it's also [11] taught the police officers at the same time the [12] importance of prevention, doing prevention work in [13] the community. The other thing that we've done is we've [14] [15] encouraged volunteerism. We have officers that [16] volunteer with youth, things like road races, but we 117 now encourage them to do - where they do traffic [18] details for charity. But we also now encourage them [19] to do things like go into the schools and talk to [20] youth about careers, or like last month for Women's 1211 History Month, I went to the DYS facility and talked [22] to the kids in trouble about overcoming obstacles. [23] And we encourage the officers to go in and speak to

Page 57 [1] not acting in the way they have to be responsible to 2 act in public places such as that. We've also done things like gun lock [4] giveaways, gun amnesty programs to try to get guns-[5] off the streets. All of this works on changing the [6] mind-set of the officer too, as I said before on [7] prevention. , [8] ..., We have an internal investigating unit that ... 19] we decentralized and put out into the community. [10] It's in a medical building. This has allowed [11] community members to feel as if they don't have to [12] come into something that they may view as a fortress [13] or as our territory, but it's really very neutral [14] territory and allows them to feel more comfortable [15] in coming forward. For the first time Tuesday we're going to 161 [17] make public our IIU statistics at a public Police [18] Commission meeting. We have a five-member appointed [19] Board of Police Commissioners that is our hiring [20] authority in Springfield that is also responsible [21] for ultimate discipline in terms of anything longer [22] than five days' suspension, so for serious cases. That Police Commission has had some public [23]

[24] meetings in the community where they deal with

[24] the youth about overcoming obstacles themselves.

Page 58 Page 60 [1] issues such as – that range from police brutality [1] would have problems with them. So by being more [2] to things like changing technology that we're using, [2] selective in the entry level, we're hoping to 3 such as the PR-24s that I talked about before. But [3] eliminate problems later on. [4] that Police Commission makes the decisions. So I think I've given you enough of an idea We had an officer that made a racist phone [5] about trying to change the values and the ways in [5] [6] call to a minister during the time of the church which we're doing it, and I'll be available to 17] burnings. The Police Commission terminated that [7] answer questions later. [8] officer and faced the public and talked to the MR. JENKINS: Thank you, Chief. The next public about community standards and the fact that, speaker, Westley, is a good friend. I would like ... [10] even though we had to follow Civil Service rules, him to talk a little bit about his credentials. But [11] in all facets of criminal justice, there are some [11] that we're going to Civil Service and telling them [12] that these are our standards and this is what we [12] times opposing sides, not so much turf, but one of [13] the committees that I'm privileged to sit on with [13] believe in. We've also worked with a conflict Wes is the Massachusetts Juvenile Justice Advisory [14] [15] management group which was paid for by a group of -[15] Committee. [16] the mayor put up the money to get it started, and That committee was inactive prior to two [17] then a group of businesses put in money and donated [17] administrations ago because juvenile cells were. . * [18] to pay for a conflict management group, a [18] built at police stations. Federal law passed; or the professional group to come in and try to assist the the federal government passed laws saying that [20] juveniles had to be sight and sound separated from [20] community in recovering from police brutality that [21] had occurred in the past. And they identified [21] regular criminals that had been arrested. So [22] bringing the state into compliance has been – it's ... [22] leaders in the community, brought them on a retreat, [23] an enormous task, but by doing so, we have brought [23] got them to focus on action steps that they could [24] over \$10 million in federal grants in. [24] take.

This particular advisory committee is an --Those groups are now working in our [1] [2] community on issues that have very much to do with [2] all volunteer governor-appointed committee of [3] civil rights. One of them is a police-community [3] 25-plus people led by Elaine Riley, who couldn't be [4] here today, but I would like to ask Wes to come [4] relations group that is presently working to try to [5] forward and talk a little bit about it. We actually extend the probationary period and issues that have to do with police-community relations. ig have to go into police stations and sometimes say to police officers, "You're violating the law. That " Also I'll just end up by saying that we have also changed some of the things about our youth cannot be here. He has to be moved. She has : ; [8] to be moved to another location." Wes: academy. We've done recruitment, we've gone out MR. COTTER: Good morning. As Dale said, I [10] into communities that before this had seen no recruitment, such as the Vietnamese community, the [11] come to the table here a little bit with a different Russian community, and we've tried to do some [12] background than some of the police officials. I had selective hiring. We may be able to hire our first [13] an interesting conversation with Chief Meara that my [14] two Vietnamese candidates through selective hiring [14] dad was a Springfield police officer for 30 years, [15] next month. We're hoping that we get everyone [15] and Chief Gardella is now my chief because I live in through the background process. the central part of the state. We do background checks, something that But my background is about 22 years of [17] [18] they had been lax in before, and psychological working with kids referred by the Department of [19] Youth Services who are committed to their custody [19] testing, something that even though they had done it [20] before, it was a company that had a record over 18 [20] for delinquency. I started in the Holyoke area, [21] then Springfield, the central part of the state, and [21] years of never eliminating anyone. We said, "That's wrong," and we brought in [22] now I'm responsible for the central part of the [23] a new company, and three people were eliminated out [23] state and the northeastern part of the state for an [24] of our last academy, because they stated that we [24] agency called the Key Program. It's a private

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F	age 62	Pagi	e 64
[1] nonprofit agency that works under contract with [2] state agencies with some of the kids we've all been [3] talking about this morning. [4] Also, you know, I've been involved with the [5] Juvenile Justice Advisory Committee for the last [6] eight years and find it to be an exciting place to [7] try to design programs, work with the police [8] departments on complying with some of the federal [9] mandates of the Juvenile Justice and Delinquency [10]. Prevention Act that's been in place since 1974; and [11] then been recently reauthorized in 1992, although if [12] some of you follow the newspapers, there is some [13] debate about whether this should continue. [14] But our jobs in the last eight years has [15] been to work with police departments to try to have [16] them comply with these federal mandates in order to [17] bring more federal monies into the State of [18] Massachusetts so we can design preventive programs [19] under the Title 5 program, or to design programs [20] that are really geared toward three of the mandates [21] of the Juvenile Justice and Delinquency Prevention [22] Act. [23] The first one was actually accomplished [24] earlier in the 1990s, to remove all children who are	•	[1] of the Committee, has received about three quarters [2] of a million dollars to set diversionary shelter [3] programs, foster care programs, mentor programs for [4] kids to be released if they're charged with a CHINS [5] runaway arrest warrant after hours. [6] So that was really the first mandate that [7] the Committee was successful at. The second that [8] we're working on, and hopefully are going to be [9] successful in the next couple of years, is we've [10] beën working with the Department of Youth Services, [11] because another federal mandate is that juveniles [12] charged with delinquent offenses after hours that [13] can't be arraigned in court cannot be held in a [14] police lockup for longer than six hours. [15] So we've been working with some of the [16] federal money that was given to us to set up [17] diversionary programs. It's a little bit more [18] difficult with kids that are on delinquent offenses [19] and probation officers that say they shouldn't be [20] turned out to the community, they may be a public [21] safety threat; or maybe their parents can't [22] guarantee that they would be under supervision after [23] the arrest. So they have to be held someplace. [24] So in the six-hour process time, we have	entit.

Page 63 Page 65 [1] arrested after hours and on weekends as runaways, [1] set up about 40 beds in Massachusetts now that are 2 under a CHINS petition, a Child in Need of Services [2] either through contracted agencies or through the B) petition, from the police lockups. [3] Department of Youth Services where kids can be We had gotten into a situation over the [4] brought by local police departments. It might sound [4] '80s where a lot of budget cuts happened to cities [5] like a lot to all of us, 40 beds across the state, [6] and towns, and police departments were actually [6] but it's really not enough. [7] cutting back on their juvenile bureaus and taking We have a program that's been successful [8] some of those officers and reassigning them to the [8] for years in Boston, it's over one of the police & 191 detective bureaus to try and deal with crime in the [9] station, that actually has held them in compliance. [10] cities. So we really got into a situation where we [10] Worcester has an eight-bed program that the agency [11] became lax around some of the kids that were held in [11] that I work for coincidently runs. In Springfield [12] the police lockup after hours, and they violated [12] the Department of Youth Services and an agency [13] some of these federal guidelines. [13] called CHD has set up some programs, and there are So our first job in the '90s was to go out [14] others in planning stages at this point. So [14] [15] and talk to the police departments, get them to keep [15] hopefully within the next six months there will be [16] track of all the kids that went to the lockup cells [16] about 50 beds that will be available after hours. [17] after hours, meet with juvenile probation officers, Once we're in compliance with that, then [17] [18] and to try to educate them as to diversionary ways [18] police departments in local municipalities can be [19] that we can handle kids that are having family [19] certified by EOPS and the Juvenile Justice Advisory [20] problems and running away from home after hours. [20] Committee to qualify for other prevention grants of I'm glad to say, in a period of six to [21] federal money through Title 5. [22] eight years, that we have de minimus kids that are We're also discussing at the committee [23] violations in the lockups after hours, that the [23] level whether we can possibly transfer over that [24] Department of Social Services, through the efforts [24] responsibility to the Department of Youth Services,

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[1] if that can be fully funded to run these types of
[2] programs, since they presently operate the detention
[3] system for the juvenile court system as well as
[4] treating kids that are committed to DYS.
[5] And hopefully that will happen within the

And hopefully that will happen within the next year, but really funding is an issue that DYS is really concerned about, taking out the mandate and not having the beds available for local police departments to access after hours. It appears that we need approximately 75 beds for those kids on a regional basis after hours.

And really the last mandate, the major mandate that the Juvenile Justice Advisory Committee is involved with is to assess the overrepresentation of minority children in the juvenile justice system. This is one that is, I think, really difficult for the Committee to get a handle on. We have had many discussions about this. We have a subcommittee to that's hear wording on it.

[19] that's been working on it.
[20] But in 1995, the Commission had a study
[21] with some of the federal money that was done by
[22] Social Science Research and Evaluation,
[23] Incorporated, and that was to study actually the
[24] overrepresentation issue of minority youth within

[1] Advisory Committees that have been formed there.
[2] The initial findings showed that approximately 90
[3] percent of the kids that came into the system who
[4] are black were being held, about 87 percent of
[5] Hispanic kids were placed in secure facilities, and
[6] only about 78.8 percent of the Caucasian kids that
[7] came in were placed in secure facilities.

We went through a process with the group that did the research, and they said, "Well, really, gee, you have to look at other ancillary factors." I'm not an expert, but that's what they did. They called it a regression analysis, which basically looked at the influence of other factors.

You have to try to compare kids on equal types of charges or want to look at the kids that led all had gun charges or all had drug charges, compare them to each other, versus a shoplifter with a gun charge, because any judge that would have somebody with a gun charge would probably have a higher probability of holding them on bail.

[21] So they performed this regression analysis
[22] as part of the study, and they looked at age,
[23] seriousness of charges, and a couple of other
[24] influencing factors, and they wanted to see how that

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[1] the juvenile justice system.

So we're talking about kids that go through
the court system, kids that we've spoken of this
morning that are under arrest at police departments,
go get arraigned, some that are placed on bail for
delinquency to the Department of Youth Services.
And really we looked at about 325 surveys that were
sent out to police, probation, judges, social
workers, prosecutors, and really tried to guide them
through a process to get in touch with the racial
diversity issue and where some of the kids are going

that they're involved with.

About 200 of those 325 surveys came back

from professionals in the field. We also

commissioned them to go out and speak to about 50 or

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The findings are pretty consistent with
what's been coming out of these types of studies
across the United States by other Juvenile Justice

[1] related to secure placements.

They still came up with a higher rate of the black and Hispanic kids that were being held in secure placements. They had gone through the rarraignment process, they appeared before a judge, they met with a probation officer, they were being prosecuted by an assistant district attorney, and they still about 87 percent of the African-American kids to the Hispanic kids, and 79 percent of the Caucasian kids.

Linest would like to read into the record.

I just would like to read into the record and to all of you, you know, two of the major findings that the study had, because they're pretty stark representations of where we are right now in terms of their opinion of looking at this data.

It is a couple of years old, but the first summary of the finding that they had quoted says that "There is considerable overrepresentation of factors African-American and Latino-Hispanic juveniles in the Massachusetts juvenile justice system from the point of arrest right through to confinement and placement in secure facilities."

[23] The second point, which we tried to really [24] get clarity on and to push the researchers, we said,

Page 70	Page 72
[1] "Well, why is that?" And you know, their second	[1] intervention.
[2] finding said that it's unclear at this point whether	[2] But I think that the hopeful point of the
[3] the overrepresentation found mirrors differences in	[3] system that I have is that through better funding in
[4] delinquent behavior among different races of kids or	[4] the last four or five years, whether it's federal
[5] whether it's the result of direct disparate impact	[5] funding or whether it's increases for the Department
[6] in treatment on the kids. And their recommendation	[6] of Youth Services in Massachusetts, we have been
[7] was that it needed a lot more research in order to	[7] able to take on some of these issues, to see
[8] really come back to more specific findings and	[8] community policing efforts in the cities that are
19] recommendations.	p represented here today and some of the others really
[10] As a committee, we're concerned about	[10] have connected well with some of the kids that we
[11] getting to that level. We're still trying to work	[11] have in the system. They have positive
[12] with the Department of Youth Services, work with	[12] relationships through the DARE program and through
[13] police departments to come into compliance on the	[13] community policing efforts.
[14] six-hour rule on delinquent arrests after hours;	[14] When they come into our overnight arrest
[15] once we do accomplish that task, set up the	[15] units, sometimes they may not have two parents at
[16] after-hours programs that are necessary and	[16] home, but they will be brought in by an officer, and
[17] hopefully get it fully funded and operational within	you don't feel a lot of anger on their part as far
[18] the Department of Youth Services. Then we believe	[18] as coming into the system. They feel more connected
[19] that we will be able to spend more of our time on	[19] through the community activities to the police
[20] minority overrepresentation issue in the system.	[20] efforts that are out there.
[21] As someone who has worked with kids from	And the kids that we do have, I believe,
[22] DYS and DSS for the last 22 years, these are things	[22] you know, need a lot of these kinds of preventive
[23] that you know are out there. You know, the Key	services. They need after-school programming; it
[24] Program that I work with keeps demographical	[24] has to be funded. They have to have anti-gang

r. et	
Page 7	Page 73
[1] statistics on kids, success statistics. We know	[1] efforts. They have to be involved with their own
[2] that a higher percentage of the kids in some of the	[2] activities in order to be successful.
[3] urban areas are from minority groups. Our mental	[3] And I think that the Juvenile Justice
[4] health clinicians, who are out in homes providing	[4] Advisory Committee can use some of the federal money
[5] assessment and counseling, are aware of what those	[5] that we bring into the state in order to address
[6] issues are.	[6] some of these preventive issues. Really the earlier
[7] We as a field at this point are having some	[7] intervention, from my perspective, the better. The
[8] difficulty attracting qualified minorities to come	[8] more people at the table on treatment teams or, you was
[9] into our field because of some of the low pay that's	[9] know, dealing with them as early as possible is
[10] offered to work with some of the kids in the	[10] really the answer at juvenile court, if there is an
[11] system. And, you know, it's a difficult issue for	[11] answer.
[12] us to really get a handle on at this point as a	[12] It may not be 100 percent successful, but
[13] system.	[13] certainly it's an effort that we have to try to
[14] Also at least where I am hopeful is to sit	[14] connect with the kids at an early age and to get
[15] with police officials, and I'm lucky enough to be	[15] them involved in some positive community
[16] involved in teaching up at Fitchburg State College	[16] involvement, so they're not as susceptible to the
[17] with Charles Brownlee from the Graduate Program of	[17] gang efforts that are out there, and they are out
[18] Criminal Justice where we have officers from the	[18] there pretty actively with some of our younger
[19] State Police and local police departments that have	[19] kids.
[20] been grappling with a lot of these issues and trying	[20] I believe that the Juvenile Justice
[21] to enhance the programming that's out there. And to	[21] Advisory Committee has made a dent in that, and so
[22] a certain extent it is, you know, probably getting	[22] has work with the police departments. I spent the
[23] some of the police departments and officers more	[23] last week or so monitoring some of the Title 5
[24] involved in kind of social work and early	[24] delinquency prevention programs. Last week I

[22] repetitively.

I would be happy to answer any questions

[24] that anybody might have, or certainly we can get to

Page 74	Page 76
[1] visited for a day a youth center in Southbridge,	[1] like everybody just to be aware that that Community
[2] Massachusetts, that only gets about \$25,000 through	[2] Policing Exchange is a bimonthly publication by the
[3] the Committee, in federal money, but they have been	[3] Justice Department, and all police chiefs and
[4] able to parlay that with some city and town	[4] sheriffs in Massachusetts get this, as well as
চা programming, obtain a building, and set up a youth	[5] nationwide, and it's something where ideas like
[6] center.	[6] today can be exchanged, diversity recruiting, kids
[7] Their figures during the month of February	[7] without guns, things like that, and it's a very,
[8] were 600 kids that have gone through in the	[8] very good piece of information.
afternoons and early evenings for recreational and	Next I would like to ask Colonel Reed
[10] counseling programs. It has really had an impact as	[10] Hillman to come to the podium. The Colonel and I
[11] far as the police involvement. There the police	[11] work together on a daily basis. He has got an awful
[12] were heavily involved in a pool tournament and	[12] lot of patience to put up with me.
[13] providing vocational training for some of the kids	One thing too before we get him here. This
[14] in the building.	[14] is the Colonel's newsletter, a publication that he
[15] Also, I've been out to monitor the	puts out, and the front page is "The MSP Remembers
[16] Holliston Police Department, and I'm going to the	[16] Sam Range." Sam is the first black State Police
[17] attendance center next week in Worcester to monitor	[17] Officer ever admitted to a State Police Academy in
[18] their federal funding. But the programs are out	[18] the United States of all – there were 48 states at
[19] there. People have the ideas, and they are	[19] time. And Sam had a tough time getting through the
[20] successful in terms of connecting with some of the	[20] academy. He is a friends of mine, and we talked
[21] kids and hopefully keeping them out of the system	[21] about it. But he enjoyed and he loved the State
	1

[22] Police, and it became his family.

The State Police also, which I'm sure the

[24] Colonel will expand upon, has a role in community

Page 75	Page 77
[1] them a little bit later.	[1] policing. Many of us in the Greater Boston Area
[2] MR. JENKINS: Okay. Just quickly, before	[2] only see them as making traffic stops, highway
[3] we get to the last two speakers, I would like to a	[3] patrols, responding, backing up local police
[4] announce that we're going to have a short break	[4] officers, but in Central and Western Mass. and the
[5] after the end of the last two. We have juice and	5 Cape areas, they are very much at times the only
[6] coffee outside, and then we have luncheon. We would	[6] police that many people come in contact with.
[7] like to come back and reconvene. We have some folks	Another two quick comments, Page 2 of the
[8] in the audience that would like to testify and ask	[6] Colonel's message, a new entity, the Office of Artificial
(9) questions, and then we'll break for lunch.	Standards and Training. The Colonel has created his
For the record, I would like to also just	[10] own Inspector General's Office to look into
[11] quote and introduce an article from the Lawrence	[11] complaints made against police officers that I hope
[12] Eagle-Tribune, and it sort of emphasizes what	[12] he elaborates on.
[13] Westley says, "So Go the Children, So Go the	[13] And then we also have in here by another .
[14] Adults. Hispanics and Blacks are Jailed at a Higher	[14] member, "Key Differences Between Equal Opportunity
[15] Rate," by Bill Murphy of the Lawrence Eagle-Tribune.	[15] and Affirmative Action Requirements." So this is
"Of the men in Massachusetts State Prison	[16] something you would have never seen 10, 15, 20 years
for drug offenses, 54 percent are Hispanic. 28	[17] ago coming out of a police department, sent to every
percent black, and 15 percent white. Hispanics are	[18] one of their officers.
(19) committed to State Prison for drug offenses at a	[19] So with that, Colonel.
[20] rate 81 times higher than whites, the study found,"	[20] COLONEL HILLMAN: Thank you, Dale. It is
[21] and it goes on to name many of the reasons. But	[21] an honor for me to be here. 22 years a lawyer and a
[22] obviously, if we can interdict that problem at an	[22] member of the Mass. State Police, two years a
early age, we can stop that problem at an early age.	[23] superintendent.
The second piece of business is I would	[24] I know, as Dale said, many think that "What

	Page 78
[1] are the State Police doing here?" Our image is of	-
[2] the Trooper in the shiny cruiser writing speeding	
[3] tickets on the Interstates. We do a lot more than	
[4] that, and that's what I would like to talk about.	
[5] Also, I like to be at these conferences to hear the	
[6] good ideas like I heard today from Larry and Eddie	
[7] and Paula, and most of those ideas I've already	
[8] stolen, and those that I haven't already stolen,	
[9] I'll steal after today.	
[io] So let me give you an idea of how the Mass.	
[11] State Police has evolved in community policing. We	
[12] are a full-service public safety agency with over	
[13] 2200 sworn law enforcement professionals. We do	
[14] everything from issuing drivers' licenses to	
[15] investigating the most heinous crimes.	
[16] We also offer a number of specialized	
[17] services, which are resources for our local, state	
[18] and federal partners in public safety. I'll just	
[19] talk about a few of them. The commercial vehicle	

enforcement unit investigates heavy trucks to make

[22] reconstruction specialist, an underwater recovery

[23] unit, hostage negotiators, a SWAT team, a mounted

[21] sure they are safe, school bus safety, accident

[24] team, a K-9 with specialized dogs.

Page 80 [1] can be very, very dangerous. The coin that they use 12] is violence; that's how they achieve their ends. A [3] lot of people are murdered in the cities. And we [4] can throw people who speak their language into a [5] community, figure out how these gangs are set up, figure out who is doing what, work with the local police to take them down, and then move on to [8] another community where again they're not known. The disadvantage that Eddie; Paula and Larry have is their officers are in the community itil day in and day out, and after a while the community members get to know them. So that's a resource we [13] offer to local police. We only go in by [14] invitation. If the local police want our help, we [15] go in and try to make a difference. If they don't, [16] we don't go in. We also have community action teams. [17] They're called Zero Tolerance Teams. Their philosophy is, if they see a moving violation, they [20] will make a stop, if it's a yellow light violation [21] or a marked lanes violation. We've gone in, just as an illustration, in [23] the City of Brockton with five State Police Officers

[1] In a more traditional community policing [2] sense, we have a domestic violence prevention unit. [3] We go to schools and talk to teenagers about teen [4] dating strategies, what "no" means, and particularly 5 directed to young men. And I have to admire their [6] success in that area as a mother of a 15-year-old -I guess I'm not the mother of a 15-year-old girl. [8] All right. As the father of a 15-year-old girl, [9] anyone that can communicate with someone at that age [10] deserves a medal, because I haven't figured that out [11] yet. [12] We also have at our Academy a specialized training that we offer for minorities and young [14], students, courses that we give as sort of an [15] introduction to what State Police are like. We also [16] have a gang unit. The gang unit is primarily

Asian and black and Latin communities made more safe
to people that live there.
The advantage that we have is we can put
people into a community that aren't known by the
gang members. Dale mentioned the Latin Kings. They

minority officers who volunteered to make a

[18] difference in their communities, Asian, Latin and

[19] black officers who are interested in seeing the

Page 81
[1] of six. They were there for about two years, and in
[2] 1996 – we don't want to become a permanent part of
[3] the Brockton Police Department, so we've moved out
[4] of there since. But in 1996 there was a 75 percent
[5] reduction in fatalities and a 35 percent reduction
[6] in crime in Brockton.
[7] There are a couple of interesting dynamics
[8] that happen when you put a group of State Police
[9] Officers in the community. The Brockton Police
[10] before we arrived were, due to manpower shortages,
[11] which seem to be endemic to large municipalities

[24] working from 5:00 p.m. to 1:00 a.m. four nights out

[10] before we arrived were, due to manpower shortages,
[11] which seem to be endemic to large municipalities,
[12] were essentially going from one 911 emergency to the
[13] next. They didn't have the manpower at the time to
[14] impact traffic issues.
[15] Now, when you think of a city like

Now, when you think of a city like
[16] Brockton, you don't think of traffic issues, and yet
[17] in Brockton in two years they had 27 people die in
[18] traffic fatalities. And I will hold and I have held
[19] that it is no less devastating to a family to lose a a result of a traffic fatality than it
[20] loved one as a result of a traffic fatality than it
[21] is as a result of a more traditional crime like
[22] homicide. In fact in Massachusetts you have three
[23] times the likelihood of losing a loved one in a
[24] traffic fatality as you do in a homicide.

This is an area where we feel we can have [2] an impact by coming in and changing behavior in the community and then moving on. There were about 500 [4] or 600 arrests simply made for driving under the [5] influence of alcohol. And what happened, what the [6] dynamic was, people quit driving if they had too much to drink, because they knew if they weaved, if they ran a yellow light, they were likely to be stopped, and if they were stopped, they knew they were going to be arrested.

The other interesting thing that happened [11] was gang members quit carrying guns. They knew that [13] if they committed even a minor infraction, if they were stopped, they ran a risk, if there was an articulable suspicion by the officer as to safety, they were going to be frisked, and if they were [17] going to be frisked, the weapon was going to be [18] located and they would be going to jail. They quit [19] carrying guns. And that was a great benefit, po because without the ready access to guns, the [21] homicides went down.

The community action teams will go in [23] today, they might work in a community for a couple [24] of weeks in a high accident area, and after that the

Page 82 Page 84

> [1] including various hate crimes. And also the Fire [2] Marshal, any arson that you read about that's being

[3] investigated by the Fire Marshal, those are State

[4] Police detectives. We also have a forensics lab.

We have hair fiber, fingerprints, ballistics, the [6] traditional forensic capabilities, which we offer at

no cost to local police, and we're about to bring on

[8] DNA capabilities.

We also have a violent fugitive 🕝 🤝 [10] apprehension squad. They have arrested well over [11] 1,000 violent fugitives within the Commonwealth. In [12] not a single incident has anyone been hurt. They [13] have all been well planned, well executed, and again [14] working in partnership with local police, we have apprehended those people. [15]

We also have a unit which tracks serial [17] murderers and sex offenders by looking for [18] commonalities in terms of methods of operation and [19] put them in a database as a resource for the local 1201 and State Police detectives.

We also have a large commitment to our youth with hockey, boxing, basketball programs which [23] have raised probably over \$300,000 for various [24] charities.

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Our mission is to save lives. The focus is [2] on both homicides and traffic fatality. And what my [3] mission was, as I saw it two years ago, was to

Page 85

[4] change the culture of the State Police. As many of [5] you know, there was a federal mandate to rigorously

[6] enforce the 55-mile-per-hour speed limit on the Interstates, and the stick that was poised over the

is states' head, if the states didn't do rigorous which have t

enforcement of the 55, was loss of federal highway.

[10] funds. So we measured our Troopers' success by how [11] many speeding tickets they wrote.

We're moving away from that. We're not

interested in how many tickets the officers write, [14] we're not interested in how many arrests they make. What I'm interested in is how many lives they save, [16] how many lives they save through education, which is

[17] often the best tool, and behavior modification. [18] Simply, for example, by getting people to belt up,

1191 to seat belt up, we know we can save over 200 lives 1 1-

[20] a year, if we can simply get everyone in the [21] Commonwealth to belt up.

We are very committed to having a diverse [23] agency. We know that we cannot achieve our public

[24] safety goals unless we're accepted in the

[1] benefit tends to drop off. People tend to change [2] their driving behavior, become better. And then the [3] team should move on to a new area, probably in an entirely different community, and maybe come back in a week or two just for a day, just to sustain the mind-set that, gee, those State Police may be here, and the local police, and we better toe the mark. 171 We also do organized crime investigations. We provide dispatch services for over 50 communities in Central and Western Massachusetts. That's also our charge. Every single cellular emergency call,

when you dial 911 or *SP on your cellular phone, every single one of those calls is answered by the [13] State Police. [14]

We also have officers involved in DARE. [15] [16] Again, only when we're invited into the community, we will supply a Trooper to do DARE training. In [18] fact, many Troopers will do DARE training in a [19] number of communities. We're also involved in rape [20] reduction education.

When you think of district attorneys' [21] [22] offices, the detectives are State Police Officers. [23] The Attorney General has about 40 State Police [24] Officers there to assist him in investigations,

Page 86
[1] communities we serve, and we know we will not be
[2] accepted into the communities we serve unless we
[3] reflect those communities.
[4] We gave an entry exam on April 7th, we did
[5] aggressive recruiting, we did billboards, we had ads
[6] that targeted the minority media, and not just
[7] black, but Hispanic, Latin. We also had a number of
[8] meetings in minority communities. But most
[9] importantly, we made it clear to every one of our
[10] people that every action they took was an
[11] opportunity to create a good impression with a young
[12] person who might think to come onto the State
[13] Police.
[14] Sometimes you will hear that minority
[15] recruiting is about diminished standards, and we
[16] don't believe in that. We believe there are plenty

[13] Police.
[14] Sometimes you will hear that minority
[15] recruiting is about diminished standards, and we
[16] don't believe in that. We believe there are plenty
[17] of qualified minorities, plenty of qualified
[18] females, and we have encouraged every single member
[19] of our agency to go out and identify these people
[20] and recruit them onto the State Police. I
[21] understand there are a number of excellent
[22] opportunities for young people. We want every one
[23] of our people, every day, every contact, to sell
[24] this agency to those people who we want to recruit.

[1] confused by the inadequate signage and they were [2] driving the wrong way down Route 6. So we have expanded the mind-set of our [4] Troopers in terms of problem solving to involve all 5 of the possible solutions to the problem. It might [6] be environmental, it might be behavioral, it might be enforcement; certainly that's one of the tools. An area where we did that, Route 1 through 191 the Foxborough area, it used to be called Death [10] Valley, because there were six to eight people a [11] year that died on Route 1. And the State Police in [12] Foxborough Barracks, working with Mass. Highway and [13] all the local police in the area, in team efforts [14] using a lot of media attention - we don't want to [15] get you speeding, we don't want to get you without a [16] seat belt; we want you not to speed, and we want you [17] to wear your seat belt. So by focusing media 1181 attention on enforcement efforts in advance, we got people to change their behaviors and had an 18-month [20] stretch, after these efforts in partnership with -[21] local authorities, with no fatalities. There are about 60 communities in the [23] Commonwealth where we are the police, not in this [24] area, but that's Central and Western Mass., that you

Page 87 When you think of community policing, you [2] say, "Well, what do you mean by community policing?" [3] It's a very fluid definition for us. We talk [4] partnerships. Again, we don't go to the local [5] community unless we are invited. If we do go in, [6] it's our goal, not only to have an impact on public [7] safety, but to make the local police look good. We also believe in prevention. We would 181 [9] rather not prosecute someone successfully for [10] vehicle homicide. We would rather prevent the [11] accident in the first place, discourage people from [12] drinking and driving and driving impaired, create in [13] their minds an apprehension that they're going to be 1141 grabbed if they're out there breaking the law, so [15] they don't do it. That's the goal, and to solve [16] problems. Many times we will go into an area, as an

Many times we will go into an area, as an example, on Route 6 down on the Cape. There were a number of fatalities on Route 6 on the Cape. And the traditional State Police response was more cruisers, more enforcement, more radar. That wasn't the solution, because it didn't address the problem. The problem was signage. The problem was inadequate signage, particularly for elderly drivers who became

Page 89 [1] may have no police department or a part-time police [2] department. So all traditional police calls that [3] the other chiefs talk about they deal with, we deal [4] with in about 60 communities, domestic violence and is all the other issues. We're also the police for Mass. Pike, [6] Massport, the MDC, and State Parks. You don't think [8] tof us too much in the city environment; and yet in p partnership with the MDC Park Rangers, EMTs and [10] Boston Police, we have community policing presence [11] on Castle Island in Boston, also the Esplanade. What we have in the City of Boston is a [13] Commissioner who is interested in one thing, and [14] that's delivering the best public safety services possible to the people he serves, and he welcomes [16] every form of help with open arms. We have a number [17] of officers in a number of different roles involved [18] in the City of Boston. And whether it comes time [19] that Paul Evans has credit that comes his way, he is re-[20] always careful to share it with all his partners in 1211 the effort. And just if I could editorialize – is this [23] going to go right to Bill Clinton? I think one of

[24] the biggest problems that we have, which Governor

Page 90	Page 92
[1] Cellucci is starting an initiative on, is	[1] Attorney Kevin Burke and Judge Robert Cannetta.
[2] fatherlessness, and the State Police are involved in	[2] Judge Cannetta is a member of our adjunct faculty at
[3] a lot of aspects on that. All the demographics that	[3] the Massachusetts School of Law. I'm also a member
[4] I see, particularly for minority children, show that	[4] of the Steering Committee of the Reinventing Justice
[5] the biggest predictor of their likelihood to wind up	[5] for Essex County project.
[6] in the criminal justice system is whether or not	[6] What we hope to do is strengthen
[7] there is a father at home.	[7] cooperation and accountability among the courts, law
[8] And so when you see the President, let him	[8] enforcement, businesses and the community. We're
[9] know that it is Reed Hillman's opinion that that's	[9] taking the simple step of actually asking the
[10] the number one issue for public safety in this	[10] community what it wants in a system of justice. We
[11] country, to address the issue of fatherlessness in	[11] hope to try and implement some of those ideas.
[12] our families. Thank you.	Over the next 18 months what we intend to
[13] MR. JENKINS: It gives me great pleasure	[13] do is we have a number of meetings planned
[14] next to introduce something who was very patient as	[14] throughout Essex County, and we're going to go into
[15] he put up with me for four years in law school.	[15] the community and we're going to listen. As we get
[16] Mike is the Associate Dean of the newest law school	[16] more involved and my profession gets more involved
[17] in Massachusetts, the Massachusetts School of Law in	in dispute resolution and the like, we learn that we
[18] Andover, and to my knowledge, it has the highest	need to listen more often and speak a lot less. And described
[19] rate of minority enrollment, I know in the state,	hopefully we're going to go out there and we're
[20] maybe in the country. But the school is also	[20] going to get some good ideas, and collaboratively
[21] involved in looking to reinvent justice and also the	[21] we're going to work on solutions that the community
[22] youth-police partnership. So I would like to ask	[22] wants to see in a system of justice.
[23] Mike to take the podium and again thank Mike for	[23] We all know it can be improved, and I think
[24] putting up with me for so long.	[24] there are many things that we can easily do to

	Page 91		Page 93
[1]	PROFESSOR COYNE: Putting up with Dale for	[1] remedy some of the concerns that people see out	•
	four years meant frequently asking the questions,	[2] there and to make it more receptive to people that	*
[3]	"Does anyone know where Dale is tonight?"	[3] are in the field.	
[4]	We founded the Massachusetts School of Law	[4] I want to read for you just a very quick	
	ten years ago and provided a broader representation	[5] note from the section on equal justice in the	
	of people within the criminal justice system. We	[6] Commission's report from 1992. It said that:	
	encourage a very strong commitment to public	[7] "Minority residents of Massachusetts, in percentage	% (
	service, and we encourage our students to seek	[8] even greater than in the population generally, find +	p.25 * + *
	reform, to not settle for the status quo, and	19] too little access and too little fairness in the 😅 😘	
	<u> </u>	[10] Courts."	
[11]	- ,	[11] Unfortunately that's probably true. Some	
[12]		[12] of it is perception, and some of it reality. We're	
	that I think are particularly relevant to today are	[13] going to go out there and hopefully try and remedy	
	the Essex County Reinventing Justice 2022 project.	[14] both.	
	·	[15] What we hope to create, again quoting from	
	Supreme Judicial Court's initiative a few years back	[16] the report, is "a system with such a high degree of	
[17]	where there was a commission appointed by the	reliability and professionalism that every citizen	
[18]	Supreme Judicial Court, and the Court was concerned	[18] will use it with a confidence that he or she will be	ws.
[19]	about making sure that there is fairness in the	[19] understood and treated fairly." It sounds like a 4.5	
	system, that the people who are servicing the	[20] rather modest goal when you read it, and let's hope	
[21]	individuals that are seeking justice are open to	[21] that we're able to accomplish it over the next few	
[22]	their ideas, and to try and see if there are ways in	[22] years.	
[23]	which to streamline and improve justice.	[23] The other project that I wanted to talk to	
[24]		[24] you about was the Youth and Police in Partnership	

Page 97

[1] program. And we're just a community resource for [2] this. Really credit should go to the Boston Police [3] Department, the United Methodist Urban Services, and [4] the religious community in Boston. [5] This is a partnership between the police, [6] the religious community, and the inner city youth in [7] Boston. We serve as the educational resource for [8] this project. This pamphlet or manual was produced [9] through some funding from the federal government, [10] and it's available for anyone who's interested———————————————————————————————————		Page 94
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[23] writing skills, we're teaching them good problem-		
[24] solving skills. We're asking them to go back to		
	[24]	solving skills. We're asking them to go back to

[1] the manual available for anyone who is interested. [2] It's a terrific program, it's well worth taking a [3] look at, the results have been great, and it [4] reserves to be replicated elsewhere. Finally, if you want to provide justice for [6] all, and that is at some point and at some level the [7] goal, I hope, of our justice system, what you really [8] need to do, in our opinion, is you must listen to [9] the community better, and you also must encourage a for broad representation of people in our law schools [11] and law enforcement and on the bench. The best way to do this, in our opinion, is [13] to provide equal access to all, and to make sure [14] that that access then comes with some level of 1151 affordability, because we're more divided along [16] class lines than race lines, and if we can make access to justice affordable, we will be able to [18] allow more people greater opportunity. Thank you. MR. JENKINS: Thank you, Mike. And now I [19] [20] would like to give you all a break from my raspy [21] voice and invite you outside for some juice and [22] coffee. We will reconvene in 10 or 15 minutes, if [23] that's all right, and take some testimony and [24] statements from the audience, and then we'll break

in their communities and be leaders and try to [2] creatively solve some of the problems that need to be addressed in those communities. Let me give particular note to Professors [4] [5] Connie Rudnick and Jack Drury of our law school who [6] have started this project from our standpoint and 171 helped work closely with the Boston Police 18] Department and the religious community here in Boston in seeing this through. We create or hope [10] the program creates a better sense of self-esteem [11] for the peer leaders, an ability to work together, [12] an understanding of the legal system, and finally, [13] what we hope to do through this program is foster a [14] discussion of some of the moral and legal issues [15] relevant to the students. I know it sounds odd, and unfortunately it [16] [17] shouldn't, but it does sound odd for a lawyer to [18] talk about fostering a discussion of moral and legal [19] issues. We believe very strongly that more often [20] law schools and people in law enforcement have to [21] bridge both moral and legal issues, because they [22] aren't unrelated, and the more often we can do that, the better we will serve our community. United Methodist Urban Services will make

[1] for lunch. Thank you very much. (Recess) [2] MR. JENKINS: We would like to reconvene, [4] and we have some testimony and comments from several 151 people that we would like to come forward to enter [6] into the record. And what I would like to do is ask [7] Sara Teng from World Unity first, and I would also [8] like to bring Professor Edith Flynn back; and I have [9] two others, so if anyone else would like to be-[10] called forward, just slip us a note. Is Sara. [11] handy? MS. TENG: It's still morning, so I'll say [12] [13] good morning to everyone. First of all, I wanted to [14] tell you that I actually wear two hats. I'm 115] speaking on behalf of an organization called World [16] Unity, Incorporated, a nonprofit organization. The other hat that I wear, I'm also a reporter at Channel 7 TV, Urban Update, which is a weekly public affairs program. [19] Many of the issues that this illustrious [20] [21] panel has discussed we have covered, so I was very [22] happy to hear some of the wonderful work that you

[23] are doing in your communities, and I applaud each

[24] and every one of you for your leadership and the

Page 98
[1] great work that you're doing.
[2] What I wanted to bring everybody's
[3] attention to, not just the panel members, but the
[4] people on the Commission and also the people in the
[5] audience – who I have to applaud each and every one
[6] of you for coming out on a day like today. It shows
[7] your commitment to this very, very important issue
[8] for this city, this state, and this country, so I
[9] really applaud each and every one of you.
[10] I want to share an idea with everybody, and
[11] you are all welcome to steal it. It's a very simple
[12] idea. I think when we are talking about the area of
[13] race relations, but just the word "discrimination,"

[19] you never graduated from high school.
[20] So what I want to share with all of you is
[21] a very exciting project that began in 1985. It
[22] started out as a very simple public service campaign
[23] to promote harmony throughout the City of Boston.
[24] The centerpiece of that campaign was a very simple

[14] because discrimination applies not just to race, it [15] applies to everybody – there's discrimination

[16] because of age, because of gender, because of class,

[17] because of color, because of how much money you

[18] make, because you might have a Ph.D. degree, maybe

Page 100
[1] Bond from IBM, and there was a ceremony at City Hall

Since that time, this message has been now promoted as a poster in schools, throughout the Commonwealth, many universities, throughout New England. And now in 1998, for the last five years, the organization World Unity, Inc., has now designed a symbol, a preliminary design of a symbol that would incorporate this design in a glass tower; using art and poetry and science as a way of raising

people's consciousness to this idea of discrimination.

[2] honoring the winners.

[13] So in this glass tower that's called the [14] Sun Unity Tower, the poem is incorporated in the [15] design, and the glass would act as a prism creating [16] colors of light. And hopefully this glass tower [17] will stand about 220 feet tall, so it will be a [18] symbol to the city, to the state and to the country, [19] as we move into the 21st Century; that diversity in [20] our city and state will only increase, that this is

[21] the message we want to bring into the 21st Century.
[22] So I share this project with you, but more [23] importantly the message, only four lines. And what [24] I would encourage each and every one of you to do,

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[24]

[1] message that said, "Are you greater than the Sun [2] that shines on everyone, black, brown, yellow, red [3] and white? The Sun does not discriminate."

[4] Now, you know, some people read that poem [5] and they think it's just talking about race, but if [6] you really sit down and think about that poem, yes, [7] the sun shines on black people and Asian people, the [8] sun shines on human beings. And we all have to make [9] a living, we all have to live somewhere, we all have [10] to buy a home, we all want to raise children.

[11] So that simple message got promoted [12] throughout the City of Boston, put on billboards, [13] put in subway lines. Shawmut Bank at the time look [14] a leadership role and sponsored it in all their [15] banks throughout Massachusetts.

The campaign was so successful, it was initiated in New York City the following year in 1986, once again put on billboards, put in subway in lines, and on the network, ABC and CBS network leo television. And the campaign was such a success, it inspired a citywide poetry contest where all the children from elementary through high school wrote their own poems of harmony. There were three winners. Each of them received a \$400 U.S. Savings

[1] it's only four lines, you can print it in any of

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[2] your hand guides, in any of your brochures, in any
[3] of your newsletters, a simple four lines. And you

we might thin! "It's only four lines What's it going."

[4] might think, "It's only four lines. What's it going [5] to do?" Well, I will tell you, people have told me

personally it has changed them, literally changed them in their consciousness and their attitudes.

[8] So that's what I wanted to share for specific was a given everyone here. It's called the Sun Unity Tower. We

no need your support. And when I say "support," that you would like to see this built, because we have

[12] letters from the Senators, the Governor, and we have [13] an award from the Mayor, but I think if there is a

[14] public movement to want to see this built, it will [15] happen.

[16] So I thank you for your attention, and once [17] again, I applaud each and every one of you for the [18] wonderful work that you are doing and the audience [19] for being here to show your commitment to this very, [20] very important issue. Thank you very much.

[21] MR. JENKINS: If I could have B. Kyu Lim [22] for the Korean community. I hope I pronounced it [23] right.

MR. LIM: You are one of the only few,

	Page 102		
[1] maybe less than half –	_	[1]	son
[2] MR. JENKINS: I had help.		[2]	COI
[3] MR. LIM: – in my two years' life in the		[3]	the
[4] United States to pronounce my name correct.		[4]	sta
First of all, I would like to actually		[5]	yea
[6] invite everyone in this room to join me to applaud	,	[6]	am
[7] all these distinguished panel members for their		[7]	do,
[8] distinguished accomplishments. It's very, very		[8]	une
[9] commendable. I would like to give you a real big		[9]	
[10]—hand. (Applause) Actually, when I-do-this, remind	. ~ ~	[10]	tra
[11] me of Dr. Jung there, he solicited me to make a few	V	[11]	trai
[12] remarks. I wasn't really prepared. So if I lose my		[12]	COI
[13] train, please forgive me.		[13]	you
[14] As a Korean member of a Korean community,		[14]	rul
[15] for the past experience, I realized a couple of		[15]	
[16] things. All these distinguished accomplishments		[16]	the
[17] everybody was doing, and there were some major		[17]	wh
[18] diversity programs, and also I was kind of thinking	•	[18]	sut
[19] of you are hiring some Asian officers to put them	on	[19]	ma
[20] duty.		[20]	int
[21] I think that one of the things I would like		[21]	mi
[22] to suggest was would there be some plan or some	thing	[22]	wo
[23] about a cultural training. It is not just a racial		[23]	for
[24] issue, Asian versus Latinos, Hispanic or whatever,		[24]	bel
		1	

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me training that we as an Asian or Korean
mmunity need to learn what America culture is, why
ese people are mandating children under 12 cannot
ly home alone, because sometimes nine- and ten-
ar-old kids speak much, much better English than I
n, they know exactly what to do, much better than I
but they cannot stay home alone. We can never
So this kind of dual cultural training,
lining program for the Asian community, and
aining for the officers to understand where we are
oming from, it's not just to make to any excuse,
ou know, that we are trying to get away from those
les.
Another thing actually, from our community
ere was a suggestion to the former Governor Weld
hen he was campaigning for Governor, for the same
bjects and reason we suggested some sort of like a
andating to have an interpreter, a qualified
terpreter present for the court cases involving
inorities cases. So Governor Weld promised he
ould look into it, but I don't know - but not only
r Massachusetts, it is something I think that I
elieve that is needed to be considered.
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Page 103 [1] but sometimes it is just to understand that speaking [2] the language is sometimes not good enough. You have B) to understand the culture, where are these people [4] coming from, why are these people doing some strange [5] things we would never understand, they are doing [6] very commonly. As one example, there was one case I heard [8] in New York, a single mother was raising a small [9] girl and then prosecuted and convicted as a [10] murderer. While she was working, this girl was [11] playing and climbing up one of the furniture, and [12] the furniture fell and she got killed. So when the mother came home, she found the [14] girl is dead, so she reported it to the police. [15] While she was waiting for the police, she felt it was a shame to show how messy the house is, so she [17] cleaned it up nicely. And as the police was talking [18] to her, she was with grief, she was crying and said, [19] "it is my fault, I killed her," and the police [20] said, "Oh, she confessed," so it was a first degree 1211 murder case. I know this is some sort of extreme case, [23] but for that kind of a reason, the cultural [24] training, not only training for the officers, also

Page 105 And again, I would like to express, on [2] behalf of the Korean community, commend your [3] excellent accomplishments. Thank you very much. MR. JENKINS: Thank you. One note for the [5] record, there was a program that Boston Police, and [6] I believe the State Police, participated in, perhaps [7] the others as well, several years ago, in the Reagan [8] and Bush Administrations, where Boston Police - -[9] Officers would go to Puerto Rico and spend a month [10] or 60 or 90 days to learn the culture, so they could [11] come back, learn what machismo means to a Latino, 122 learn why we think differently, white Anglo-Saxon [13] police officers, if you will. And unfortunately, [14] that program went by the wayside. But we appreciate that suggestion. Perhaps [16] we can look to incorporate that in Community [17] Policing 2000, if you will. I would like to ask Edith Flynn to come [19] back, Edith, had a lot more to say, but she didn't. [20] want to take the time from the panel, and I [21] apologize. So we'd like her to come back up. PROFESSOR FLYNN: I certainly appreciate [23] this opportunity, because I did curtail what I [24] wanted to say earlier.

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[1] Let me kind of explain I would like to do
[2] three things, essentially, very briefly. One is to
[3] share with you some research results which I thought
[4] might be interesting for your purposes here,
[5] research results from work of my colleague Jack
[6] McDevitt, and also Al Cardarelli at the University
[7] of Massachusetts, and it was funded in fact in part
[8] by the Massachusetts Executive Office for Public
[9] Safety.

[10] It is interesting for our purposes, because
[11] it looked at how community policing is being
[12] implemented throughout Massachusetts in the smaller
[13] communities, not just Boston. And the research
[14] produced some very interesting results.

[15] Essentially, the researchers looked at [16] three different facets to community policing. One [17] was deployment of resources by the police, one was [18] crime targeting, and the third was collaborative [19] efforts.

And what they found, looking at 82 police departments in small and medium size cities in Massachusetts, was very interesting, because essentially the deployment strategies, such as bike patrol or ministations, did little more than simply

Apparently what seems to work and what is
absolutely essential for it to work is, first of
all, it has to have supportive political
environments, where local and political leaders
participate along with police and police leadership
who want to make it work. This is really no

[7] surprise, but I think it is something that needs to
[8] be stressed, because if only a section of the police
[9] department does it, or a segment thereof, or the
[10] leadership hasn't quite endorsed it, it is not going

[10] leadership hasn't quite endorsed it, it is not going
[11] to be too successful.
[12] There must also be structural opportunities

[13] for feedback from the community. So rather than [14] being a silent recipient, as the community always [15] has been in the past, there has to be a fairly [16] steady flow of communication from the community back [17] to the police.

[18] And another element that the researchers "19] have identified was that the police need to report [20] back to the community in terms of progress made and

[21] also possible failures or difficulties in [22] implementing what they were trying to do.

[23] So we're talking about a self-correcting [24] process, a mutual feedback. The academicians have &

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[1] have citizens provide information to the police [2] officers. There was very little exchange going on.

[3] The crime targeting also, and any combination

[4] between deployment and crime targeting, also had

[5] minimal community involvement.

What did produce the best results, as far rathetrue meaning of community policing is concerned, are collaborative efforts. And as such, rathetrue in those collaborative efforts, the community very ratio actively participated in problem identification, in really problem solving, and also in really collaboratively working with the police on the community problems. Mechanisms that vastly aided the process were rathetral advisory councils and citizen academies, any combination of these two.

And the other thing that was of interest is
the researchers had identified what really helps
sustain community policing, because if you remember,
community policing is a relatively new concept
considering about 80 years we've been practicing the
professional model in policing. Community policing
a new kid on the block, and now the question is,
can we sustain the effort, can it stay with us,

[1] cybernetic feedback loops, but in essence it is

[2] communication flows both ways, and it does so on a

[3] regular basis. And I thought this might be of

[4] interest here, because I think we all have an [5] interest in improving police-community relations.

I have already previously mentioned them,

[7] but Jack and Al have identified the need for an interpretation of both rank and file as well as supervisors. We have always noted some stress

and strain in middle management in policing. They

[11] seem to be caught between a rock and a hard place, [12] the rock being top leadership, and the hard place is

[13] out there, as far as the street work is concerned.

[14] And so having, I think, the necessary training for

[15] all levels, up to and including leadership, is [16] critically important.

Permanent beat assignments are also

[18] critical. I don't think we want our citizens scared [19] straight by various police approaches. We want \(\frac{1}{2} \)

[20] citizens to feel that they are part and parcel of

[21] the community. In that regard, I think we need to

[22] have more organizational decentralization, and we [23] also need to have some emphasis on accountability

[24] and responsibility.

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[24] become a permanent part of policing.

Page 110 So it is very easy sometimes to simply [1] 2 delegate the duties, saying, "You are going to do [3] community policing," but not give enough authority [4] to the people who have to do it. And it is in that area that some departments are missing. Now, the next thing I just briefly want to 77 touch upon is some possible shortcomings of [8] community policing, as they have been identified in [9] research literature, and some answers. Essentially one criticism is possibly the [11] idea, does it threaten public safety? There is [12] really very little evidence that community policing [13] does that. In fact, the evidence seems to be really [14] gelling around the area of supporting true [15] community-based policing approached, and that [16] newsletter Dale was talking about does periodically [17] share with the communities what succeeds and what [18] The next question or possible criticism [19] [20] comes from the area where possibly the maintenance [21] of public order is somehow detracted from And some [22] comments or observers have noted that sometimes you [23] might have underenforcement in certain areas to [24] perhaps not aggravate the community members in

Page 112 [1] essentially has developed as an antidote to police [2] corruption in the early 20th Century, and so for 80 [3] years we have had the professional model of [4] policing. And the research results seemed to indicate [6] that in areas, in cities, in towns where there is an 77 absence of corruption, community policing works (8) exceptionally well. That concept would not work [9] well if there is already an ingrained atmosphere of [10] corruption. So this is something that we need to [11] watch for, we need to protect against, but it's [12] certainly not a given that community policing by [13] definition will lead you down that path. And the final thing I would like to comment [14] [15] on comes essentially from my work in my comparative [16] crime course, and that is, it may strike some people [17] as very controversial, because essentially policing [18] is – let's say we're not home yet as far as [19] community-based policing is concerned. There are a 1201 lot of departments that are on the sideline watching 211 and waiting, Basically my suggestion is, we need to [22] convert the war on crime model to a peace process [23] model.

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1241

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[1] those, and on the other side of the coin is some [2] outright harassment.

Now, we do know that policing, as any other professional field, has and continues to have its flaws. So nobody is perfect, and everybody needs to be working in the same direction, and obviously you want neither underenforcement, nor do we want harassment, and it needs to be addressed through police leadership.

Then there is the question of possibly whether the capacity of the police could be detracted from in terms of weakening their capacity to enforce law. A shorthand version of this would the the iron hand versus the velvet glove. I think this is, at least it's my opinion, a false dichotomy here. It becomes a question of appropriate training as far as police are concerned. You want to have community policing in the real sense of the word, and that means neither iron hand nor necessarily being the velvet glove.

The final aspect is certainly the thought
has been raised, does community policing make us
has perhaps more vulnerable to police corruption? If
you remember that police – the professional model

[1] being conducted or sometimes being called for on [2] crime deals with people in the community. We're not [3] talking about declaring war on a foreign country. [4] We're enforcing the spirit of the law in our [5] communities, where we're all, if you will, brothers [6] and sisters.

We need to recognize that the war that is

So I think the war on crime model has not served us terribly well. There is a trend in the served us terribly well. There is a trend in the served us terribly well. There is a trend in the served us terribly well. There is a trend in the served us trend in the served use police departments, become ever more paramilitary. You may recall reading in the paper, antipersonnel carriers, weapons, all kinds of things are being sold in terms of stuff that the Army is chucking off or very reduced dollars. I think that would be the wrong way to go.

The kinds of things that we heard earlier, particularly from the Boston Police Department, from the John Police Department of the John Police Department, from the John Police Department of the John Police Department of the John Police Department of the John Police Department, from the John Police Department of the John Police Department of the John Police Department, from the John Police Department of the Jo

Page 114 Page 116 in segment of our police efforts, I think we can in a way that is constructive. The reality, though, is 121 succeed. And I thank you. 12] that, for example, with lawyers, there are about 36,000 to 40,000 practitioners of law in MR. JENKINS: Thank you, Professor. Our [4] last speaker is John Lozada from the Hispanic Bar [4] Massachusetts. There are about 350 Latino attorneys [5] Association, and we would like to open up for in Massachusetts. You break that number out between people MR. LOZADA: Thank you very much, Dale. I m who are in private practice versus governmental 171 [8] hadn't planned on speaking, but again got asked, and practice, versus legal services type work, basically so I am complying. you end up with about 100 or so attorneys who My name is John Lozada, and I'm an attorney logically might be in the community. So then you [10] [11] start looking at the gap of service delivery, and [11] in private practice here in Boston. I've also worked with the U.S. Department of Education and the [12] then you start looking at the gap of role modeling, [13] Office of Civil Rights, where I was an attorney [13] and I think you can play that out across any [14] advocate for seven and a half years working on cases industry that we can identify. [14] of discrimination throughout the New England Region. Our goal, though, as an association has 1151 [15] The Massachusetts Association of Hispanic been to break that barrier. We don't care about the [17] numbers. Our group has presidents and other-[17] Attorneys is an 11-year-old bar association which provides support and opportunities for Hispanic men [18] leadership that reflects all these communities I'm 💌 and women who seek to study or practice law in [19] speaking about and many more. In our sequence, the [20] Massachusetts. Through numerous volunteer current president is from El Salvador, the prior one [21] initiatives, MAHA, which is what we call the group, was from Panama, I myself am Puerto Rican and Mexican, and on we go. [22] also provides a needed voice within the legal, [23] educational, political and economic arenas for the What we have tried to do is bring into the

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[1] country.

What I wanted to talk about just very
briefly is our reality here in Massachusetts. We
have, in this state, about 341,000 people, Hispanics
who are identified by the census. It doesn't count
folks who are undocumented. That number goes to
folks who are undocumented. That number goes to
folks who are undocumented of the same of our
folks communities and the reality of the shadow
folks communities that live within the established

[24] Hispanic community of the state and indeed the

Many of our folks in our community are
Dominican or Puerto Rican or Cuban or Colombian, and
Hall then there are some other groups from El Salvador,
Hall Nicaragua, Panama that are growing little by
His little. And that creates a real unique situation,
His where you can identify the Latino community or the
Hispanic community, but there are so many breakdowns
Hall within those groups that you then have to understand
Hall nuances of culture, just as the gentleman who spoke
earlier was talking about.

And so what I've looked at is a model for leadership within the Latino community that itself recognizes the difference and helps to support the large communities that recognize that difference in

[1] a program called Linea Legal where we talk about the [2] different issues of legal importance in Spanish for [3] our community in the Greater Boston Area, and indeed [4] we would like to do that on a statewide level. [5] We also have an E-mail service that we [6] provide to all members, and it goes national in [7] scope, which we've gotten BU student to help us [8] develop. So in fact if the information that your [9] Committee is developing is put on computer, perhaps [10] that can be shared with us, so that we can share it [11] with our legal community and indeed the larger [12] community that exists around the state and around [13] the country.

[24] community some leadership by doing TV work. We have

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And then finally, just a couple of examples
[15] about what it is that we look at towards breaking
[16] barriers. We've gotten the lawyers to nonetheless
[17] volunteer their time in great, great measure. One
[18] example of the things that we did, we found an
[19] artist up in Maine who is Puerto Rican but paints
[20] all the cultures, including cultures that are not
[21] Hispanic, African-American and others.
[22] And this gentleman is a very kind and

[23] generous soul named Frank Diaz Escalet who donated [24] to us some hundred artworks of lithographs, color

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Page 11	8.
[1] lithographs of many different scenes of Latino	
[2] life. The lawyers were able to get a firm to donate	
[3] frames, and with those artworks, we donated them to	
[4] a series of schools in the Boston Public School	
[5] System, so that children of all cultures, all walks	
[6] of life, would see a Latino image that was not one	
7] of criminality or drug dealing or some pejorative	
[8] kind of construct.	
[9] So I just wanted to make our organization	
rog available to the Committee as an alternative to	
[11] disseminate information, and to thank you for the	
[12] opportunity to speak with you today.	
[13] MR. JENKINS: Thank you. I know the panel	
[14] has some questions, so, if I could, I would like to	
[15] start with them, and then open it up to the	
[16] audience, and then we'll break for lunch.	
[17] MS. MENDEZ: I have a question and a couple	
[18] of comments. One is, it's disturbing to me the	
[19] percentage of people of color who are arrested and	
incarcerated more quickly than people who are not of	
[21] color, and I think that some of the initiatives for	
[22] sensitivity training and for diversity, I think that	
[23] will help some of that.	
[24] My problem is that when you have people on	

[1] aggressive police officers, the ones that are the 2 most decorated within the City of Boston, and I [3] talked with them, and I said, "You know, I'm the new [4] guy. What can I do to help you, assist you in [5] making policing better or improve the working 161 conditions? Let me know what's going on here." I really thought they were going to say, "Well, you can go down to Roxbury Court and get 191 stronger judges. You can go talk to the sheriff's (i) department and get more jail cells for us." It was [11] completely opposite what they requested. They said, [12] "You know, we need alternatives for these kids. We [13] have a thing that we call Summer of Opportunity. We [14] have the Kids at Risk program." And I was unaware of a lot of these [15] [16] programs that they did in-house, where officers [17] challenged many of the diverse groups that come and 181 attend Youth Violence Strike Force meetings from the 1191 ATF the DEA and the FBI as well as state and local police from Metropolitan Boston. What they do is [21] challenge each other and raise money and send these [22] people to camp. I sat down and said, gee, I have to find [24] out more about this Youth Violence Strike Force,

Page 119 [1] the street and cops on the beat, how do we supervise [2] those cops on the beat? We give them the [3] sensitivity training, we give them the diversity [4] training. When they're in a situation, how can we [5] tell that they're going to comply with that? And [6] also, is there some system where we can monitor how [7] they treat people in the street? And that also comes along with the cultural T81 [9] issues that were brought up: How do we know that [10] cops are going to know these cultural nuances and [11] also language? You know, some people don't speak [12] English, some people speak different dialects of [13] Spanish. Cops come in, and people are already [14] intimidated by the cops. How can we break that [15] down? I guess I just throw that out to anybody. MR. JENKINS: Any volunteers? I know [17] Boston has a program, and I know the State Police [18] have. Could I ask you, Larry, maybe to comment on [19] the area piece, on the Cellucci program. **DEPUTY SUPERINTENDENT ROBICHEAU: First of** [21] all, I would like to say, as Deputy Superintendent, [22] I'm kind of the new guy on the block here. I took [23] over the Youth Violence Strike Force in August of [24] '97. I went out with these young, mostly

[2] probably most people did. They have a mentoring [3] program. They take kids, they go to the probation [4] department, they're part of Night Lighters, where [5] they go out and visit these kids, because what [6] they're finding out is even though they're on [7] probation, they're more likely to be victims because (8) of the community in which they are; they become [9] victims today, but they're perpetrators tomorrow. [10] These kids that are being incarcerated, there was no [11] sense of fair play with them. They thought that [12] police and the kids in the community were two [13] separate entities. They never got along: What I'm finding in Boston, especially, is [15] there are so many programs, as mentioned here, the [16] juvenile police thing, we have a youth program for [17] that, and we also have the Junior Police Academy [18] where we go out in prevention programs where we get, [19] kids 9 to 12 years old, and we sent 600 kids through [20] this program last year. We have a lot of things [21] going on, as far as prevention programs, rather than [22] actually apprehension programs. I encourage the [23] community to be their windows. And we mentioned, the Chief mentioned [24]

[1] because I was naive, I just looked at stats as

[23] within the city, that there is a real likelihood

[24] that if there is a bad cop out there, that if there

[23] bet many departments across the country, where – I $\stackrel{\smile}{}$ [24] mentioned earlier about people who felt alienated $\stackrel{\smile}{}$

Page 122 Page 124 [1] earlier about taking that Latin out of the internal [1] procedures were and what was to be tolerated and [2] affairs complaint. With community involvement under 121 what was not to be tolerated. [3] Commissioner Evans our internal affairs complaints So there have been a number of efforts that [4] have gone way down. I think we're less than a third [4] the police have taken on. But really, again, it's 5 opening the issue up to the community and saying to [5] of what we had three years ago, and a lot of these complaints are now being generated within the [6] the community, "You can come in to the Police department. [7] Department with these concerns," because they're not [7] [B] to be tolerated. So that officer that is riding and used to [8] say, "Keep your mouth shut, kid," is no longer I think that that's made the difference, **[9]** tolerated. That officer knows that if he is doing [10] and to look at the leadership and depend on the [11] community-based organizations, community organizers something wrong, it might not be the community, but who are out there who know what is going on, to come the police officer that he is riding with or assisting with is going to say, "Hey, that doesn't [13] forward to the Police Department and have them be [13] [14] heard, at a municipal level as well as a Police go here.' [14] I think we're seeing a new vision in [15] Department level. And I think that's what has [15] [16] Boston, especially, that there is an openness that [16] really made a difference. [17] people in the community are no longer going to shy There have been a number of other efforts I [17] [18] could sit here and talk to you about afterwards, but away and say, "Well, it has always been that way." I think with the district commanders, the [19] I think that those are the most important ones that [19] [20] have turned our city around 👍 🦤 [20] decentralization of the drug control unit, the [21] working relationships with the community, as well as CHIEF GARDELLA: If I may for just a . [22] moment, there was a time in our department, and I'll 122] the various ten-point coalitions in the clergy

Page 123 Page 125 [1] from the Police Department, and it wasn't always [1] is a cop out that there that is preaching something [2] that is not to be tolerated, then the community at [2] because of race or how we stood in the socioeconomics [3] scale. There were times in our Police Department [3] large will make sure that it doesn't happen. I where we didn't do business with people from the [4] don't think it's just the supervisors that are watching. I think it's the entire community. [5] local women's battering shelter, that we didn't MR. JENKINS: Jackie, if I could, you have [6] communicate with the rape crisis center. And I [6] [7] remember a ranking officer-saying; "We-even want had some civilian oversight in a police department, 171 if you will. them in our buildings a sate and 181 MS. RODRIGUEZ: I think about when, first We weren't communicating with the people who were dealing with the same victims that we do. [10] of all, in 1992, Chelsea was on the brink of riots, [11] because there was a lot of police brutality, you had The Police Department was an isolated entity. And a the Commission on Hispanic Affairs getting ready to couple of interesting things happened out of policing in the '70s, and particularly in the '80s. file lawsuits. In fact the U.S. Department of [14] Justice went in to investigate. And what has turned We learned some valuable lessons. [15] our city around is the fact that the police chief What was believed by the public was that who was hired around that time was able to bring on [16] the police could do it alone, and what was believed [17] by the cops was that we could do it alone and we the Latino leadership and create a citizen advisory group to bring all the complaints of police didn't need anybody, and we were both wrong, and now [18] brutality to him, and deal with it. we're trying to undo a lot of things. 7 ---- 1 [19] [19] Training has changed considerably, and There have been a number of efforts that I [20] [20] [21] forgive me if I sound defensive. I had six weeks of [21] can talk to you about, but one of the most important [22] training. Out of those six weeks, probably two were [22] efforts was the Citizens' Police Academy that was [23] absolutely wasted sitting around. There were people created right away, to make sure that people were [24] understanding in the community of what the [24] who went on the Police Department just before me who

[1] that college students have said, "I don't want to were told to go downtown and observe, and that was [2] work nights." You say, "Well, you see, when you 21 part of their training. They didn't know what the [3] hell they were supposed to observe. And this is [3] become a cop, you have to work nights, you have to what they were told, "Go downtown and observe." work different shifts." We now have a 23-week Police Academy, "Well, I don't want to work nights." **[5]** "No, no, You don't understand, that's [8] concentrating on the social sciences, alternatives. [6] [7] part of it. That's all based on seniority." 171 Last time we brought in a gang member and a former "Well, I don't want to work nights." [8] gang member to sit with that recruiting academy and [9] tell them how it is to be a kid out in the street. "Well, you don't want to work here." -[9] "Do I have to carry a gun and wear a We've gotten all crash courses in [10] [11] psychology and sociology. And although it cost a [11] uniform at all times? You guys work weekends?" [12] People who never had a job before. [12] fortune, the government has found a way to motivate We said, "Wait.We've got to take a look [13] cops to go to school, called money. And it was [13] [14] at who we're hiring. Do we base it all on [14] something that came out of the Nixon [15] education? What do we put on job experience?" [15] Administration: When you have them by the ears, So we began to do more and more in-depth [16] their hearts and minds will follow. People began [17] suing police departments and saying, "We're not [17] research into the type of people we were bringing to [18] going to take this any longer." [18] our organizations, and then placing a great deal of I remember many years ago, I went to a [19] emphasis on training and something, you hit a magic [19] [20] deputy chief and I said, "We've got to do something [20] word there, something that every police [21] on cell room suicide." He said, "We don't have many [21] administrator is fighting with all the time, because [22] of those." I said, "Let me show you an article." [22] most municipalities don't have the money to provide [23] It was an incident that had happened in Holyoke, I'm [23] adequate training for our supervisors. I did not join this job to be a Chief of [24] sure you are familiar, many years ago, Paula, And I

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Page 127 [1] said, "This young lady committed suicide in a cell, 21 and the police department is now being sued for millions of dollars because the police took no [4] action whatsoever. Would you like that to happen in [5] Worcester?" He says, "Well, I can give you a half an hour to talk about it." There was no emphasis on education, on [8] training, on being aware, being alert, knowing your community, having a broader scope of what we are 1101 supposed to do as police officers. That's coming [11] this way now. At one time we took - if you [12] examined the ranks of police departments, not only [13] were they male, but they were probably white, and [14] the vast majority were veterans. They came from [15] World War II, and they came from the Korean [16] conflict, and they were veterans. Then we went through a period where we [18] stopped getting a great number of veterans, because [19] college-trained kids wanted to come. And then we [20] began as police officers saying, "Wait a minute. [21] What kind of people are we taking?" And sometimes we would take college kids, [23] 21, 22, 23-year-old college men and women who have [24] never held a job. And our background team tells me

Page 129 [1] Police. We have cops that are almost doing [2] secretarial work. We don't hire people as [3] supervisors, middle managers or administrators; we [4] hire them as cops. So what are we going to do with [5] this person? I'll digress by just I was reminded of a [7] story, we promoted a fellow, a couple of years ago. [8] He had spent 21 years in plainclothes working. primarily days for about 15 years. And we made him 1101 a sergeant on a Friday, and Sunday night he reported [11] to the midnight shift in uniform. He didn't even [12] know where the midnight shift was, and he had to go [13] out and buy himself a uniform, hadn't a clue of how [14] to be a first-line supervisor. It wasn't fair to him, it wasn't fair to [16] the officers he was supervising, it certainly was [17] not fair to the community that he served. And what [18] did we do as an organization, as a city, to prepare [19] him for supervision? We did nothing. 3 It costs money to do this. Little by [21] little we're coming around. Greater emphasis. We [22] examine our own ranks and see where are our [23] failures. And as was mentioned, cops don't want to [24] see other cops doing things that are wrong and bad

Page 130	Page 132
[1] now, because it's a reflection upon us all, and one	[1] And it's at the risk of their job, to be
p person unravels all the good that 500 police	[2] frank. Those few criminals that manage to
্য officers do.	p masquerade as police officers on the Mass. State
[4] There's about half a million police	[4] Police, when brought to my attention, have been in a
[5] officers across our country, which results in	[5] few cases and will continue to be terminated. And
[6] millions of encounters with citizens every single	[6] that's my obligation, that's my fiduciary obligation
day. Less than 1 percent goes awry. Less than 1	[7] to the people we serve, to weed out the bad cops and
percent has an unhappy ending, has a bad experience.	[8] free them for alternate employment.
[9] That's pretty good. We're not perfect, we are	pj MR. JENKINS: Thank-you ~
[10] fallible, but we're getting better, we're getting a	[10] MR. BROWNLEE: Can I respond to the
[11] hell of a lot better.	[11] question?
[12] MR. JENKINS: Colonel Hillman is creating	[12] MR. JENKINS: Sure.
[13] the office of Inspector General, and I'll ask him in	[13] MR. BROWNLEE: I was just going to respond
[14] a couple of words or less, because we are pressed	[14] to Member Mendez's initial question. I think we've
[15] for time, just to mention that. The hardest thing	[15] gone just a little bit far afield. She was talking
[16] for a police officer to do is investigate another	[16] about an end result, an end result to a process, as
police officer, and he has created a method of	[17] to why is the incarceration rate so much higher for
[18] internal affairs investigation that probably is	people of color. I believe that was your initial
[19] unheard of in many, many departments. I'll just ask	[19] question.
[20] him to make a quick comment.	[20] And I think that the most visible entity
[21] COLONEL HILLMAN: Well, in our five-year	[24] that is under the greatest scrutiny, of course, in
[22] strategic plan, one of our goals is to be the most	[22] the public eye is the police department, so the
[23] ethical police agency in the United States, and the	police departments nationwide, I feel very
[24] way you get there is training, education and	[24] comfortable with. Yeah, you're going to get some

	Page 131	Page 133
[1]	accountability. And prior to the creation of this	[1] every now and then that are going to go overboard,
[2]	new office, we had the Division of Investigations,	[2] the cases you were talking about, the Rodney King
[3]	the Division of Uniformed Services and the Division	[3] type things, and situations like that. But that
[4]	of Administrative Services.	[4] isn't the issue.
[5]	Now we have this fourth entity with the	The issue is actually, if you're looking
[6]	Inspector General function, which we call the Office	[6] for oversight, I believe that was one of the words
	of Standards and Training, where we've elevated the	71 that was mentioned, the oversight actually comes in
	functions of internal affairs staff and inspections	[8] the prosecutorial discretion and in the judicial (\$\frac{1}{2} \) (3)
	and training, because there are ways to change the	9 sentencing. That's where you find out. I'll give '\' '
[10]	culture and reinforce what is right and discourage	[10] you an example.
[11]	··	[11] My name is Charles Brownlee, and I work for
[12]	They're doing a game plan to beef up the	[12] the Massachusetts Trial Court. I work for the
	number of people, and there are supervisors assigned	[13] administrative office of the Chief Justice of the
	there to become proactive, to go out in the	[14] District Court Department. We are the largest court
	community and watch our officers, to make sure that	[15] department in the state. We have 69 different
	they're doing things well, and to reward and	[16] locations statewide. I happen to have office space
		[17] in Fitchburg. That's where my office is. My boss
		[18] is in Salem.
[19]	those that are not.	[19] A friend of mine in a particular District 4 195
[20]	We probably have the most highly educated	[20] Court gave me the following story, and I think this
[21]	police force in the world. About one third of our	[21] would be perhaps at least instructive. Make of it
[22]	agency has either a master's degree or a law	[22] what you will. There were two young men on that
[23]	degree. We're trying to implement a bachelor's as	23] afternoon before this judge in this District Court.
[24]	an entry level requirement.	[24] The first young man happened to be Caucasian. He

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[2] [3] [4] [5] [6] [7] [8] [9] [10] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23]	had a long rap sheet. He was arrested for either reckless driving and I think he had possession of a Class D substance on his person. The judge gave him a suspended sentence, a period of probation, and a fine. The next young man happened to be a black man, just happened to be a black man, and this probation officer was in the courtroom on another matter, not on that matter; you know, appeals, we're running in and out of court all the time, taking papers. The judge for this young man, who was driving on a suspended license, second offense, the judge was going to give him 90 days in the House of Correction. He did not have the record that the previous defendant had. So this PO in open court called it to the judge's attention, putting herself at risk, saying, "Your Honor, I would like to speak to you privately." He recessed. She said, "How can you do this?" "Oh, I didn't recognize the record was so —	[2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [14] [15] [16] [17] [18] [19] [20] [21] [22] [23]	really get the records, case records, start comparing, do regression studies, and make sure that you're sentencing the same kinds of individuals, sentencing records. If there is a discrepancy there, that's where the problem would be. Thank you. MR. JUNG: I had a couple of remarks. One was I heard one of the presenters say that one of the problems you had was delegating authority to the lowest level, and that the reason for that was various persons in the upper level didn't want to give up their authority. And it seems to me, in order for you to make that feeling known, that you want the person at the very bottom level to have that authority and responsibility, the topmost person has to be willing to delegate it downward so that the people at the very bottom get the message that you mean what yo say and that you're not just saying it to make it look good. So that's how you delegate authority downward.	e

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Page 135	Page 137
[1] See, it is not the front line. The front	[1] attract to get help with community policing. My
[2] line is the most visible; that's the one that we	[2] question is, how many ethnic people do you have on
[3] see. And they have taken care of themselves, quite	[3] those committees and commissions that work with you,
[4] nicely. They have taken care of themselves, no more	[4] ethnic people that are known in the community, so
[5] the head bashing when I was a youngster in Los	is that they will give you the entree to that community
[6] Angeles, Southern California. I had a natural, a	[6] you are trying to impact? So my encouragement to
[7] little 'fro, as we say, driving down the street, and	[7] you would be to attract as many ethnic people as you
[8] I was stopped, I was flashed the light. I said,	[8] can that are in your community and get them into
[9] "Pardon me, yes." "Well, you were going a little	[9] these commissions and the governing bodies that you
[10] too fast." I just looked at him, and then he walked	[10] folks seem to have:
[11] around the back of the car, he saw the UCLA sticker	[11] The other thing, as an Asian-American, the
[12] where I was in school, '64, and, "Oh, you go to	[12] thing that I worry about most is that the Asians are
[13] UCLA?" "Yes." "Well, take it easy," and blah,	[13] getting the bad rap of either being a gangster or
[14] blah, blah.	[14] just ultrasmart, so there doesn't appear to be a
[15] Why did he stop me? Because I had a 'fro,	[15] middle class Asian. You are either a gangster or
[16] one o'clock at night, coming from a fraternity	[16] you are so damn smart you go to Harvard, no matter
party. Yes, I could have been drunk, a lot of beer	what you do, and that's not the case.
[18] was there, but I don't drink.	[18] In the early '80s the largest growing Asian
[19] So, it's not the police officer. That's a	[19] community in Massachusetts was the Indochinese
[20] systemic issue that – what you have to do is	population, and the thing that I want to impress on
[21] perhaps it would be an evaluation of the	[21] everyone here is that because of the traditional
[22] prosecutorial discretion and sentencing patterns.	[22] beating the Asian has gotten, not only through the
[23] And you really have to get – that's a lot of work	[23] media but through the movies and various things,
[24] that Dr. Flynn will tell you about. You'd have to	[24] when you see anything about Asians, they're either

	Page 138		uer!	Page 140
[1]	coolies or we're bombing the hell out of them.	[1]	shall we say, implementing a periodic monitoring	
[2]	So the Indochinese have just come from a	[2]	survey, well-balanced, fine-tuned and nuanced, the	
[3]	very recent unpleasant history of confronting men in		kind of feedback monitoring system that would te	
[4]	uniform. So for the on-line policemen, they		us in what areas what degree of progress we migh	
	represent that very authority that they feared when	[5]	making and in what other areas we may be just do	ing
[6]	they left their country. And because of that, you		a lousy job, so that we as a system and a society	
[7]	need to be more sensitive about how you're going to		can become a self-corrective, adjusting system,	
	confront them, because they're already afraid. Even	[8]	capable of change, at the same time capable of	
	before you say hello, they've got their defenses up,	[9]	recognizing progress that you make.	
	because from where they came, that was the norm.	[10]	Now, when I raise up questions of that	
	They never asked questions; they beat you first and		nature, people say, "Listen, that's impractical,	
	then asked you later. So because of that mind-set,		because nobody in a position of power wants to de	0
	we've got to be very careful and not categorizing		anything like that, because you're potentially	
[14]	all the Asians in one way or the other.		risking yourself. It is far better politically to	
[15]	So the thing that I would like to leave		keep talking about efforts you are making and so	
	with you is to try to get as many Asian or ethnic	[16]	on."	
	community people that are prevalent in your	[17]	, ,	
	community on your governing boards, and give them a		of these difficulties come across as an impasse as I	
	say in what you're doing, and you will find that		talk with community people. So that's my problem	
	they will give you the entree that you need into		I'll be interested in hearing some of what might be	•
[21]	that community to impact your programs. Thank you.	[21]	done.	
[22]	DR. CHUN: I have a problem I'm struggling	[22]	MR. JENKINS: If I could perhaps leave that "	
	with; maybe you can help me a little. That is to		as a question to recess with, ask the panelists to	, r
[24]	say, let me say, I do find uplifting to hear all	[24]	perhaps submit to the Committee at another time	some 🥍 🦠

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                                                                   [1] answers, because I don't think we can answer that
[1] about the multiple efforts and programs you have
[2] implemented and are trying to implement and the
                                                                   [2] question quickly. And that to me is the beginning
[3] stories of the successful cases. They are indeed
                                                                   [3] of community Policing 2000, where we're going in the
                                                                   [4] next millennium.
[4] uplifting and hopeful.
                                                                         So with the Commission's permission, let's
      At the same time, I think I'll be less than
                                                                   [6] pose that as a question, if we can, to leave with
[6] honest if I do not say that as part of my job, I do
                                                                   17) the panelists and ask them to submit to us testimony:
[7] listen to and talk to some members and advocates,
                                                                   图 or written response at another time 海海海洋海海洋
181 representatives of minority communities of various
191 kinds, and whenever I do that around such topics as
                                                                        DR. CHUN: I think that would be superb, if
[10] police-community relations, I do hear very strong
                                                                  indeed the panelists would graciously agree to that.
                                                                        MR. JENKINS: Will the panelists graciously
[11] feelings of frustration going forward, strong
                                                                  [11]
[12] complaints about insensitivity and unresponsiveness,
                                                                  [12] agree, and then we'll go to lunch?
[13] so alleged, and the self-protecting message within
                                                                  [13]
                                                                         (Chorus of ayes)
[14] the law enforcement establishment. It is as if I am
                                                                  [14]
                                                                         (Luncheon recess)
[15] hearing two entirely different stories about two
                                                                  [15]
[16] different universes, rather than, say, something
                                                                  [16]
[17] about the common reality that we live with. So
                                                                  [17]
[18] that's my dilemma and problem.
                                                                  [18]
                                                                                                        1 4
      In other words, the dilemma and impasse
                                                                  [19]
[19]
[20] here is both perceptual and interpretive, and one
                                                                  [20]
[21] way I can think of as a way of overcoming this
                                                                  [21]
[22] impasse might be, I think that we need - let me
                                                                  [22]
[23] phrase it as a question.
                                                                  [23]
       Why is it not, or have you thought about,
[24]
                                                                  [24]
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ENFORCEMENT OF CIVIL RIGHTS LAWS IN MASSACHUSETTS

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[2] MS. MENDEZ: Good afternoon, everyone. My [3] [4] name is Yvette Mendez, I'm a member of the [5] Massachusetts Advisory Committee, and I welcome you [6] to the afternoon session of our statewide Civil 77 Rights Conference. I know there are a few people who were not here in the morning, so I'm going to 191-tell you a little bit-about the Commission.

This Committee is a statewide Committee. [10] [11] We gather information, take testimony and evidence [12] on civil rights issues in Massachusetts. We present [13] this evidence to the U.S. Commission on Civil Rights [14] in D.C.

That's the point of the conference today, [15] 1161 for us to get information about the civil rights [17] issues in the Commonwealth. We've been a little bit [18] dormant, we're trying to get more active, and this [19] is good sign, a good turnout, and I'm very happy [20] that all of you took your Saturday to come and spend [21] the day talking about civil rights issues.

When we thought about having the [23] conference, the main point was to bring up these [24] civil rights issues, and we brainstormed about

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We also have a staff attorney from the [2] Lawyers Committee on Civil Rights, Barbara Dougan. She's going to address the issues of racial violence [4] and some of the work that the Lawyers Committee is [5] doing in that regard. We also have Erin Kemple. She's an [7] attorney. She is the executive director of the [8] Housing Discrimination Project in Holyoke, [9] Massachusetts. She had testified at one of our for previous hearings in Springfield, and she has some [11] great insights and experiences in the housing [12] discrimination area, as well as other areas. And Zenobia Lai is here, an attorney with [13] [14] the Asian Outreach Program at Greater Boston Legal [15] Services. She will address issues facing the Asian risi community and immigrants and their civil rights, and she works for Greater Boston Legal Services, which [18] is a legal service organization. Finally, we have Judge Richard Chin. He is [19] [20] an Associate Justice at the Superior Court, and he [21] going to give us a view from the bench, his [22] experiences as a judge with regard to the civil.

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[1] people that we wanted to present evidence,
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[2] information. We wanted to stimulate dialogue,

[3] invite many community members, public officials, to

discuss issues.

[1]

The morning session was about police-[5]

[6] community relations. There were a number of members

of law enforcement and community organizations who

[8] spoke this morning about the civil rights of

[9] citizens and how the police are dealing with

[10] community, with culture, with language, with

[11] brutality, and relations.

This afternoon's session is about the [12] [13] enforcement of civil rights laws. This is how we [14] protect people, through the laws. And to that end,

we have five distinguished panelists.

We have Chuck Walker, Charles Walker, He [17] is the Chairperson of the Massachusetts Commission [18] Against Discrimination. This is the organization

[19] that handles all of the discrimination claims in the

[20] Commonwealth. It's the, quote, court of first

[21] impression in Massachusetts. You can't have a

[22] discrimination case unless you file it with the MCAD

[23] in Massachusetts. So Chuck is going to talk about

124] the MCAD.

[1] personal reflections and his experiences. Page 143

So let me say just a couple of things about 13] this session. I would love it if we can have a [4] discussion, a dialogue, so here's how it's going to [5] work. Everyone is going to have ten minutes to [6] talk, and then we'll feel it out and see if you want [7] to take a break at that time.

[23] rights laws, how they're enforced, how they affect

[24] people in the Court, and he's going to give us his

[8] Then you will have the opportunity to ask. [9] questions or to give testimony. You can just raise [10] your hand. If you want to give me your name and : [11] your title, make sure, if you ask a question, that [12] you do that, because we do have a court reporter [13] here today. She is taking down the testimony and [14] making a transcript. So she would need to know who

[15] you are and where you're from.

But don't feel like you have to be from [17] somewhere to ask a question or, you know, to

[18] interject, because we do want to stimulate

[19] dialogue. And you can ask general questions, you

[20] know, to the whole panel or to individual people, if

[21] you would like. So I really encourage you to ask

[22] questions or to make statements.

And with that, I will turn the microphone [24] over to Chuck Walker.

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Page 146 COMMISSIONER WALKER: Thank you, Yvette. [2] Good afternoon, everybody. There are a lot of [3] people here. It's good to have you, and I want to [4] thank you, Yvette, Dale Jenkins, Marty Walsh, the entire U.S. Civil Rights Commission, and this [6] fact-finding conference. I'm a particular fan of [7] Mary Frances Berry, and I'm honored and humbled to [8] be able to participate in this fact finding, which I [9] think is long overdue, but as they say in church, no it's right on time. I'm currently - I'm going to talk a

[11] [12] little bit about the MCAD, I'm going to talk a [13] little about the trends, a little about the cases [14] that we represent, and I'm going to talk about some of the new initiatives that we're trying to start at the MCAD, and I'm going to try to do all of that within ten minutes, and I apologize if I go to [18]

I also want to thank my two daughters [19] [20] before I get off. They lost a good deal, and so [21] they ended up with Daddy this afternoon, so they're [22] going to be on their best behavior. We just bought 231 a new house and moved in last week, and I got the [24] impression that they liked it, because I fixed the

If liability is found, then we have the 2 authority to issue compensatory damages, back pay, [3] front pay, emotional distress and attorney's fees, [4] as well as issue any orders which are necessary to [5] effectuate the purposes of the statute. And so [6] under this section we take extraordinary liberties n fashioning remedial remedies and orders to [8] educate, with the goal of preventing future 191 discrimination from occurring.

rori Last year we received over 5,000 [11] complaints, and for the first time in our 52-year [12] history, we closed over 5,000 complaints, 5,015 to [13] be precise. We issued 3300 dispositions, we settled [14] claims with a cash value of \$16 million. We found probable cause in about 12 percent of our cases, dismissed for lack of probable cause another 57 percent. They either were withdrawn or settled [18] before a disposition was reached.

The real miraculous thing is that we did it [20] with a staff of 18 investigators, seven attorneys, [21] investigators, and I went to law school to avoid [22] math, but with a case load of 267 cases each. And 231 our contracts, over half of our budget comes from 24] the good resources of the federal government through

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Sunday dinner, and they were looking around, and [2] they were saying, "Daddy, when you die, do we get to

131 have this house?" I got the impression they liked 141 the house a lot.

I'm currently in the middle of my fourth [6] year at the MCAD, the chief civil rights enforcement [7] agency for the State, the end of my first year as chair, six months unofficial, six months official, but who's counting? [9]

Although I'm Chairman, I share the [10] leadership of the agency with two great, smart, [11] dedicated, wonderful colleagues, Dorca Gomez and Douglas T. Schwarz, the newest Commissioner, who covers Suffolk County and points north. Dorca [14] covers the western part of the state.

[15] Our charge is to enforce all the [16] [17] antidiscrimination laws of the Commonwealth in the areas of employment - we have 90 percent of our cases in areas of employment - housing and public [20] accommodations. We have broad powers to investigate [21] and, if probable cause is found, to conciliate for [22] early resolution, and if that fails, to prosecute [23] all claims to a conclusion, to determine if [24] liability exists on the discrimination alleged.

[1] EEOC and HUD contracts. The other half, barely a half – and forgive me for being cynical; it's kind [3] of funny, I've come to these legislative hearings [4] asking for money to this bench here, and now I'm [5] speaking here – we get another \$1.3 million from [6] the State. In any event, and I'll be glad to answer

[8] any questions about that, I just wanted to give you have the [9] an overview of the MCAD and our adjudicatory [10] process. For the balance of my presentation, "I" [11] would like to discuss some basic observations and trends in the cases I've seen over the past three [13] and a half years, as well as share some of the new [14] initiatives that we are working on.

I would be remiss if I did not take note of [16] the uniqueness of 1998. 30 years ago both Dr. King [17] and Bobby Kennedy just a matter of weeks apart were [18] assassinated. Over 14 major cities had gone up in flames due to racial hostilities. Police brutality [20] was rampant. I remember specifically the Black [21] Panther headquarters being raided in cities like [22] Chicago and Newark and New York, and Black Panther [23] leaders being assassinated and killed in their beds, [24] bludgeoned to death, and Johnson issuing the Kerner

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[1] Commission report, which this is the 30th [2] anniversary of that report. And maybe you remember [3] those jarring words of its conclusion, that America	[1] said this: "The unemployment rate for black males [2] is still twice as high as for whites. College- [3] educated black and Hispanic men, and women of every
was "moving towards two societies, one black, one white, separate and unequal." [6] 30 years ago, then, Dr. King had been	[4] race and ethnic background, are paid less than [5] comparably educated, trained white men. It is still [6] harder for African-Americans, Latinos, and in many
[7] assassinated; within a matter of days Title 9 of the [8] Fair Housing Act, the Fair Housing Discrimination [9] Act, was passed. 1998 is also personally	[7] cases for women, to rent apartments, get a mortgage, [8] get hired or promoted, and in many places even to [9] vote, than for whites."
[10]-significant to me; because it is the 20th year of my [11] law school graduation. So this is my anniversary. [12] And I'm proud to be a beneficiary of [13] affirmative action. I don't want anyone to think	[10] African-American and Latino males remain [11] unemployed at a rate of two and three times higher [12] than their white male counterparts, people similarly [13] situated. And the prophesy of the Kerner Commission
[14] that affirmative action was what got me in law [15] school. It's really blazed a trail for where I've [16] been today. [17] I want to just kind of wrap this up by [18] starting with a Billy Crystal joke. A doctor goes [19] to his patient. He says, "I've got some good news, [20] and I've got some bad news." What's the patient [21] say? You're right. He says, "Well, Doc, I would [22] really appreciate the good news first." He says, [23] "Well, the good news is you have 24 hours to live." [24] And the patient blanches. He says, "24 hours to	[14] report of 30 years ago that declared we are moving [15] toward two societies is being fulfilled right before [16] our eyes. [17] The new report, "The Millennium Breach," [18] which was issued on the anniversary, has come up [19] with a load of statistics, and I'm not going to [20] belabor them. But one that just kind of struck me [21] was that, you know, today children – the poverty [22] rate has increased four times of children in [23] poverty. 17 states are now entertaining initiatives [24] such as California's Prop. 209 to completely

Page 151 Page 153 [1] live? That's the good news? What's the bad news?" [1] eliminate affirmative action. [2] He says, "I was supposed to tell you yesterday." Indeed, affirmative action, one of the few [2] The good news is that we're all thriving in [3] consistent government concepts designed to remedy [4] a booming economy. Employment is at its lowest rate [4] over 300 years of hostile racial and gender [5] in 24 years. Since October the national [5] discrimination, in one tenth the time is under more [6] unemployment rate has not exceeded 4.6 percent; in [6] attacks and scrutiny than discrimination itself. three years it has not exceeded 6 percent. 800,000 But even more galling that these statistics [8] jobs have been added in the last four months, at an [8] are the actual incidents themselves, the insidious [9] average of 300,000 jobs a month. That's good news. [9] nature of hate-filled acts of resistance to [10] And by some measure, according to this Eisenhower [10] progress. [11] Report, over the last 30 years, more than one half If I'm going too long... [11] [12] of black families have attained middle class incomes MS. MENDEZ: No, it's fine. [12] [13] or higher. **COMMISSIONER WALKER:** Nationally and ខេព្ But what's the bad news? The bad news is [14] [14] locally, there remain enclaves of exclusion, with no [15] that despite this booming economy, these erstwhile desire or hint of movement toward inclusion. Jewish cemeteries and synagogues are [16] inspiring statistics, that discrimination and hate [16] [17] crimes against people of color, gender, religious vandalized on a weekly basis, defaced with [18] belief, sexual orientation and disability and age is [18] swastikas. Despite inordinate media attention to [19] higher than it has ever, ever, ever been before. [19] it, the punitive damage awards that stem from it," [20] Trust me, people. We're in a crisis situation [20] and the millions of dollars spent to avoid court as [21] here. [21] a means of settling it, sexual harassment remains Deval Patrick best said it, when he was [22] for the sixth straight year the number one form of [23] Chief of the Enforcement Division of the Civil [23] employment discrimination complained of in the [24] Rights Division of the Department of Justice. He [24] United States and here in Massachusetts.

[1]

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Page 154 Last August, we read and heard in abject [2] horror about the Haitian immigrant arrested in New [3] York, with his hands cuffed, while in the police [4] station itself, who was sodomized with a mop handle, which afterwards was shoved into his mouth.

Another back man in Elk's Creek, [7] Virginia - I cut the article out in the Boston Globe - while in a drunken stupor was carried out and tied to a white cross, doused with gasoline, set [10] on fire, and beheaded.

Even more telling than the violent acts are [11] [12] the attitudes. Last year you had a church exhume [13] the grave of a child of a black and white couple when the church deacon researched and located an old [14] charter that barred blacks from being buried in its [15] cemetery. [16]

A California condominium manager informed [17] [18] two Latino couples that he would not let the [19] premises to them because, in his opinion, they were [20] given to multiplying and he did not want to [21] replicate the barrio they had come from. Erin, you 1221 see these cases.

But my favorite was the University of Texas [24] law professor - yes, the same University of Texas complainant as a "stupid f'ing Puerto Rican," and then justified his statements by saving he didn't 3 say it when he was mad. These are the attitudes [4] that we're dealing with. Let me just tell you, I'm ebullient, and I

[6] feel very encouraged and very optimistic by the workers that I have, the work that you guys are doing, the efforts to bring this Commission together to have this fact finding. And I'm simply going to end with a quote, and I will answer questions on some of the initiatives, because I've run out of time. And it's from Dr. Martin Luther King. He said, "I refuse to accept the idea that the 'isness' of man's present nature makes him morally incapable of reaching up for the 'oughtness' that forever confronts him." [16]

That "oughtness," the task of eliminating [17] discrimination in all its forms, must remain forever in sight. It is my goal as the Commissioner, it is our challenge as a civil rights enforcement agency, it is our charge as individuals in a free society. Thank you very much. [22]

(Applause) [23]

MS. MENDEZ: Thanks, Chuck, I would like

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[1] that brought us the Hopwood case - who in his zeal

[2] to oppose affirmative action publicly stated,

"Blacks and Mexican Americans are not academically

competitive with whites at selective institutions,

because they have a culture that seems not to

encourage achievement but failure, and failure is

not looked upon with disgrace." 171

Can you imagine a law professor sitting in 181 a class in Massachusetts - I'm sorry, I thought I would get worked up about this. [10]

An arrestee laid prostrate in Springfield, Massachusetts, with his hands cuffed - you know [12] this case; you talked about it this morning - while an amateur video camera - I think that's one of the best weapons people should carry these days -[15] [16] filmed a police officer kicking him in the head.

I had worked on a case where a woman, a [17] white woman in Taunton pregnant with an interracial [18] [19] baby, had painted on her door, "Abort all nigger [20] babies," and it took 30 days for the landlord to remove the paint. [21]

A grocery store manager admitted under oath [23] that on more than one occasion in front of other [24] workers and customers he had referred to the

[1] to call up now to the podium Judge Richard J. Chin,

[2] Associate Justice of the Massachusetts Superior

[3] Court.

[24]

JUSTICE CHIN: I want to thank all of you [4]

[5] for having me here. It's an honor and privilege to

[6] speak here this afternoon. I've been asked to just

speak briefly about some of my observations from the

bench. I think for you to understand how I see

things, you probably need to know a little about my

background and how I grew up. [10]

I think I brought to the bench a great [11] appreciation for civil rights laws. My parents are [12] [13] immigrants from China. I grew up in Brockton. They [14] ran a laundry in Brockton for a number of years, and they still do. I grew up at a time before civil

[16] rights laws were passed.

I remember as a child when my parents started to make a little money and they wanted to [19] get a house, they wanted to buy a house close to [20] their laundry. I heard them talking about it, and [21] they told me, and they told my sister, we weren't [22] getting the house, because the people didn't want to sell to Chinese people.

Even at that age, I knew it was wrong, and [24]

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[1]	I asked my father, "Well, what is it we can do about
[2]	it?" And the simple answer was "Nothing." There
[3]	were no laws to protect people at that time, and
[4]	there was nothing he could do about it.
[5]	But things have changed now. I think I was
[6]	one of many beneficiaries of the civil rights
	movement, the civil rights laws that were passed.
	As I was growing up, I went to law school at Boston
[9]	College Law School. I was one of three Asians in
[10]	that class. I think that was the beginning of the
[11]	law school bringing Asian students there. I know
[12]	now those numbers have increased.
[13]	And I remember graduating from law school,
[14]	and I must have gone to interviews at just about
[15]	every governmental agency in Boston, and I didn't
[16]	see any Asians in any of those offices and never did
[17]	go to work for any of those agencies.

[17] go to work for any of those agencies.
[18] I think I ran into that same situation when
[19] I was appointed to the court. I was the first Asian
[20] appointed to the bench in Massachusetts. That was
[21] in 1989, with a court system that's over 300 years
[22] old, and at that time there were very few Asians
[23] working in the courts or really practicing in the
[24] courts.

Page 160 [1] I dealt with them as a judge on a individual [2] case-by-case basis. But in those communities, the [3] major change came when a lawyer brought a federal [4] civil rights suit, somebody that died in a jail [5] cell, a major civil rights suit in Federal Court [6] when the city was talking about settling the case for \$600,000 or \$1 million. That's when you read in [8] the paper about the politicians starting to say, [9] "Well, maybe we ought to look at things. Maybe we [10] ought to change things." I have a lot of faith in our civil rights [11] [12] lawyers, because I've seen this happening in [13] different communities, and it's those lawyers who [14] fought the good fight that brought that about. And [15] believe me, a lot of these cases are hard fought, [16] and a lot of money is spent defending these cases, [17] but when the time comes to pay, that's when people [18] take notice. I think it's getting harder and harder for [19] [20] judges in terms of enforcing civil rights laws. I [21] think there's a great deal of public pressure.

[22] There's a great deal of publicity about crime, about

[23] prosecuting criminals, putting people in jail. I [24] think the greatest problem for the judges is the

I think that since that time the courts [2] have addressed some of those issues. It's not like 13] we would like it to be, but I think some progress is [4] being made. I was first appointed to the Boston [6] Municipal Court, and during that time I had the [7] opportunity to sit at various courts across the [8] Commonwealth. And I think when you sit in different [9] communities as a judge, you start to see patterns, patterns of behavior. You see criminal cases, and [11] you say, boy, the way they search people, you see patterns, but, you know, we as judges are limited in You say, "Well, you're a judge; you're [15] supposed to enforce the law." That's true. But we [16] do that on a case-by-case basis. And I think as a [17] judge, I learned that sometimes we have very little [18] power to change things. I think what I've learned [19] is it's the lawyers, it's these people here that [20] represent individuals that work hard, bring these (21) cases. They're the people that effect change, and [22] they're the important players in the civil rights [23] movement. I saw things that I thought weren't right.

Page 161 [1] pressure to convict people. I know in a case I had, a murder case, I, gj had, I suppressed a confession in a murder case, and [4] I was subsequently upheld by the Supreme Judicial [5] Court. They said it was correct decision. And when [6] that came down, the district attorney went to the 7 press, and the local paper called for my [8] resignation. * 52466 \$ 19 4 7 5 I never thought that I would ever lose my no job for being right. But that's the reality of [11] being a judge, and I don't complain about it, but I [12] want you to understand what judges have to deal [13] with. That's something I knew when I took the [14] bench, and that's part of the job. In the Superior Court, I think I don't see [16] as many civil rights cases as I would in the Federal. [17] Court. I think part of that is because I sit mainly [18] in Bristol County in Fall River, Anybody that would , . . , [19] have an opportunity to bring a case in Federal Court go would have to be crazy to file it in State Court in [21] Fall River The juries are notoriously cheap. It's [22] impossible for a plaintiff to get a decent verdict [23] in Bristol County, and I think that's the reason why [24] most of the civil rights cases from that area are

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[1]	litigated in Federal Court.	[1]	the lawyers keep up the good work. Thank you.
[2]		[2]	(Applause)
[3]	lawyers, a lot of hard-working lawyers. I know in	[3]	
[4]	the racial harassment cases, I know that the	[4]	Lawyers Committee for Civil Rights under the Law.
[5]	Attorney General's Office has a Civil Rights	[5]	MS. DOUGAN: Of the Boston Bar
[6]	Division headed by Richard Cole. I know that he's	[6]	Association.
	very interested in prosecuting civil rights cases.	[7]	•
	He and I served together on the Supreme Judicial		who incidentally is a cosponsor of the luncheon that
	Court's commission for the study of race and ethnic	[9]	we just had and our refreshments with the Mass. Bar
	, , , , , , , , , , , , , , , , , , , ,	[10]	and BankBoston.
[11]	,	[11]	, , ,
[12]			propaganda with me. If someone can Some of the
[13]	<u> </u>		laws I'm going to talk about. If you want to have
			them now, come up and get them. I've got plenty of
	•		stuff here. I don't know about you, but I like to
		[16]	be able to look at what people are talking about.
[17]		[17]	r 0 0.,
[18]	· · · · · · · · · · · · · · · · · · ·		just the norm. I'll get started while you are doing
		[19]	that, but thank you for passing those out.
		[20]	,
			attorney with the Lawyers Committee for Civil Rights
[22]			under the Law of the Boston Bar Association. Now,
[23]			if you didn't think we were nonprofit before you ' ' '
[24]	I think I see a trend in the Superior	[24]	heard that title, you know that we must be nonprofit

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[1] Court. I think we're getting away from motor	[1] after hearing a title that long.
[2] vehicle torts, I think with no-fault, the way juries	[2] The Lawyers Committee was founded in the
[3] are reacting to tort cases. I see a trend in	[3] early '60s, the national Lawyers Committee, to do
[4] discrimination law. I think a lot of lawyers are	[4] civil rights cases. This was at a time when most of
[5] specializing in it, and I think a lot of lawyers are	[5] the national civil rights laws had just passed, and
[6] going into that field, and I see a lot of bright	[6] President Kennedy realized that these laws weren't
[7] people coming out of that.	n going to do much good unless there were people out
[8] So I think that – I agree with Chuck. I	in the trenches to enforce them. So he pulled " " '
g think there's reason to be optimistic. I think that	g together the first national group, and then the
[10] the system is working. It's not perfect, but I see	[10] Boston office was the first local affiliate. We
[11] a lot of committed people doing a lot of hard work.	[11] were founded in, I think – I forget exactly.
[12] I think that what is needed is even more groups like	[12] We've been around for about 30 years at this point.
[13] we have here, represented here today. They need	[13] I'm not math whiz either.
[14] money to operate. As a former legal services	[14] My position is the director of the Project
[15] lawyer, I know that a lot of those people are	[15] to Combat Racial Violence, and this position was
[16] underpaid.	[16] created by the Lawyers Committee in about 1983.We
[17] I know that politically it's not popular to	handle all race and national origin discrimination
[18] fund those programs. But I think if we're going to	[18] cases in our office. And the creation of my job was
[19] make any progress in civil rights, you can't just	[19] a recognition that especially in that time in Action
[20] rely on private attorneys to litigate all these	Boston's history, racial violence had increased to
[21] cases. You need agencies that are willing to take	[21] the point where we needed someone to at least
[22] the cases that the private lawyers don't take.	spearhead for our offices the efforts to address it
But I see a lot of good work being done,	on an institutional and more systemic manner.
[24] and I am very optimistic, and I just hope that all	On one hand, it sounds like the saddest job

F	Page 166
[1] in the world, doesn't it, to be dealing with racial	•
[2] violence cases full-time. But on the other hand, I	
[3] must say it's probably the most fascinating job I	
[4] could have ever hoped to have in terms of just the	
[5] insights you can learn about human nature and how	we
[6] all respond to these things.	
I handed out the statutes. Actually, the	
[8] Mass. Advisory Committee to the U.S. Commission of	n
[9] Civil Rights held several programs, probably seven,	

[8] Mass. Advisory Committee to the U.S. Commission of [9] Civil Rights held several programs, probably seven, [10] eight, nine, ten years ago, when these Massachusetts [11] laws were being enforced, and there is nothing [12] really new there. Massachusetts has passed that [13] hurdle long ago of actually enacting the legislation [14] to address these issues.

It hink at this point, probably most states in the country have some form of what's often called a hate crimes law. Ours – especially the Mass. Civil Rights Act, I just want to quickly outline that for you. It's more useful than many states' laws, I think, because it has a civil component laws too. It has three components. One allows the various district attorneys' offices to prosecute for crimes.

[24] But the law, as you will see, is not

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[1] There is the third provision that gives any
[2] victim of racial violence or any other – I'm
[3] talking in terms of the racial violence, but
[4] obviously this law has very wide applicability to
[5] any kind of hate crime – the right to sue the
[6] perpetrator and also to seek an injunction on their
[7] own behalf.
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But again, you can read that at your leisure. I know you're all going to go home and spend your time reading these. And if you ever have any questions about these things, please feel free to call our office about these issues.

Those are the laws. Massachusetts has good laws, so we're done with that piece of it.

The key word in the title to this panel, I guess, is "Enforcement" and when I first read your title, I thought, oh, blah, blah, blah, enforcement of the civil rights laws, and then I thought, really enforcement is the key here, because it doesn't matter what sort of laws we have if we don't have adequate enforcement. And boy, oh, boy, I can't address that in ten minutes. I probably couldn't address it in ten hours, but we can try.

My familiarity is mainly with Boston and

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[2] have a list of protected classes. Instead it talks
[3] about interference with a person's constitutionally
[4] protected rights using threats, intimidation and
[5] coercion. So it was a law that was designed to
[6] address actually racial violence when it was passed
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[1] written like many of the other statutes; it doesn't

[6] address actually racial violence when it was passed,

[7] but it has been used for a wide variety of matters

[8] that weren't even within that area.

[9] As an aside, I always point out that in [10] fact the first time that this statute or at least [11] the civil provision went up to the Supreme Judicial [12] Court was on behalf of that historically oppressed [13] group of wealthy property owners out in the suburbs [14] who were trying to build a tennis court. So the law [15] has been used in a lot of different areas, but it [16] was designed to respond to the very widespread and [17] dreadful racial violence occurring in Boston at the [18] time.

[19] So there is the criminal provision that I
[20] just described. There is also the provision that
[21] Judge Chin referred to that allows the Attorney
[22] General to get a civil rights injunction against
[23] perpetrators, which is a very, very effective tool,
[24] and also used very nicely by the AG's Office.

[1] the Eastern Massachusetts communities, so some of [2] you may have somewhat different experience, but I [3] think the over – this is the guiding way I look at [4] enforcement, that hate crimes – and again, I hate ' [5] to always call it a crime issue, because it's not [6] just a crime issue, as we usually address it, but [7] it's on a continuum.

[8] I think what a lot of times we like to see
[9] or at least like to visualize is the perpetrators of
[10] these crimes as being identifiable lunatics, people
[11] who are way out there and not like anybody else. We
[12] know them because they are wearing their white hoods
[13] or their swastikas or whatever.

But in fact, I mean, I truly believe, and this is also based on my work doing domestic violence many, many years ago, that these acts, may be at the extreme end of the continuum, but by golly, they're part of an overall cultural attitude. And I think what becomes really difficult is to realize that each of us are on that continuum. None of us is exempt from the cultural attitude that, in

[23] its most extreme form, manifests itself in racial

[24] violence.

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[1] As a white woman, doing this kind of work,
[2] I mean, I have to constantly think, where do I fit
[3] on this continuum, and I think everybody who is
[4] involved in the enforcement of these laws, whether
[5] you are a lawyer, a judge or some sort of
[6] institution who often has responsibility, we all
[7] have to recognize that we are on that continuum, and
[8] none of us has emerged unscathed.
[9] That being said, I will tell you that we
[10] see wonderful responses to terrible situations.
[11] We've seen especially locally, with some very well
[12] trained police officers, responses that really could

[13] make you weep with joy. We've seen, on the other
[14] hand, responses that will just plain make you weep.
[15] And, Chuck, you know how you were getting a
[16] little aggravated there, and you were getting a
[17] little apologetic for being aggravated. I don't
[18] think any of us should ever get to the point where
[19] this stuff doesn't get to us. I don't think you
[20] should ever have to apologize for letting it rile
[21] you up.

I mean, I think we all have coping mechanisms if we deal with this stuff on a day-to-day basis, and that's fine. Some people

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[1] chance encounter on the street that is unexplainable
[2] by any other history. I often joke that we like to
[3] see as victims preferable Mother Teresa, and if we
[4] could, ones that somehow outdo her, because there is
[5] just so much resistance to categorizing these cases
[6] as actual hate crimes.

I wish I could tell you what the answer is
to that. I have no idea. I think it is much more
complicated than just simply a racist knee-jerk
reaction. I think there are a lot of other things
that go into the mix there, and maybe someday
someone can give me the answer to that, because I'll
be darned if I know what it is.

I think where we see the poorer responses
[15] are where racial violence or any sort of class-based
[16] violence is occurring in an institutional setting,
[17] whether it's in a school. A lot of these cases are
[18] not these street encounters. In fact, the vast
[19] majority aren't. They can be cases that are
[20] occurring in the workplace. Hideous stuff goes on
[21] in the workplace. I mean, Chuck could probably tell
[22] you stories – they're not stories, they're real
[23] live cases that would curl or uncurl your hair.
[24] And in my office, what I have spent most of

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[1] drink heavily, I tell terrible jokes, but we all [2] have coping mechanisms. But if this stuff doesn't [3] bother us, we have really lost a piece of our [4] humanity, and we should get out of the business [5] right away.

[6] I think what the difficulty is is when we
[7] enforce these laws, we often – and I use the term
[8] "we" seriously, because it's not only the other
[9] people who are making decisions, but any of us who
[10] want to be in a leadership or advocacy role, we like
[11] to see certain kinds of victims, because they're
[12] easier cases to deal with. I think they are the
[13] cases that what it boils down to is that we're more
[14] comfortable with.

If find in my practice that those who are in position to respond like to see cases again where you've got at least in Massachusetts a skinhead on the other side. The vast majority of hate crime cases don't involve skinheads, and they didn't involve people that belong to organized hate groups. But if we can see that, then we don't even have to worry about some of the ambiguities.

The cases that we see, various authorities like to see victims who are caught in some sort of

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[1] the last five years of my time there dealing with is
[2] in the housing context. Many of you know our office
[3] represents the plaintiffs in a class action lawsuit
[4] against the Boston Housing Authority on behalf of 13
[5] families of color who allege years of nonresponse by
[6] the Boston Housing Authority to well-documented,
[7] well-known acts, chronic acts of racial harassment
[8] and violence in certain Boston neighborhoods: Am I
[9] being discrete enough here?
[10] I mean, I think that's what drives me nuts,

[9] being discrete enough here? I mean, I think that's what drives me nuts, [11] is that we do tend to look at hate crimes as these [12] weird encounters that happen on the street. You [13] know, there are communities in Boston in 1998 where [14] this kind of stuff goes on on a weekly if not daily [15] basis.

And I don't fault anyone for not knowing
this is going on, if you are not involved in those
sommunities or up on the issue, but I do sort of go
bonkers when people say, "Because that is not within"
my realm of experience, your clients must be lying."
And our clients have been accused of being liars
constantly. Our clients' lawyers have been accused
sof being, you know, not quite right too on many
cocasion, but, you know, I get paid to hear stuff

Page 174	Page 176
[1] like that.	[1] human being who would choose not to be beaten silly.
[2] The final thing I wanted to mention, and	[2] But then again, I hate to end this on a
[3] then I hope we can have more of a dialogue on this,	[3] down note. This is serious work, it is sometimes
[4] because I've never held myself out as an expert on	[4] heartbreaking work, but it's also a wonderful
[5] this stuff, okay, the communities that are affected	[5] challenge to be involved in. And I think you also,
[6] are the experts, and there are probably people here	[6] in these cases, see the most wonderful parts of
🖂 who can talk to this better than I can.	[7] human nature and professionalism you can ever hope
But I think it's very easy to look at this	[8] to see.
[9] as what we always call hate crimes, which defines it	[9] I'm very good at telling you the horror —
[10] as a criminal justice issue, which it is in part,	[10] stories, but I can also tell you some wonderful,
[11] but I think what you get into there, and I know this	[11] inspiring stories about what different people in the
[12] is considered a provocative approach by some of you,	[12] community, police officers and otherwise, have done
[13] but it assumes that the police are the agents to	[13] to make our community a better place. So I hope we
[14] solve these problems.	[14] can talk about this, in a little less formal
[15] And I don't know how your conversation went	[15] setting, as we go on. Thanks.
[16] this morning, but I think it's fair to say that most	[16] (Applause)
[17] of the communities that are affected by police	[17] MS. MENDEZ: Erin Kemple from the Housing
[18] abuses and police misconduct are the same	[18] Discrimination Project in Holyoke
[19] communities affected by hate crimes. And, you know,	[19] MS. KEMPLE: I just have to say before I
[20] Chuck used that hideous example from New York City	[20] begin, I know a lot of you liked what Chuck had to
[21] with the Haitian immigrant who was brutally	[21] say, but I myself was very disappointed. The last
[22] assaulted, he was brutally assaulted by a group of	[22] time I heard him speak, he told a great story about
[23] police officers.	[23] being beaten up by thugs from Miami Vice. I've been
So I think we have to avoid falling into	[24] watching a lot of Miami Vice lately, and I wanted to

Page 175 [1] the easy trap of saying the police are the ones who [2] are the saviors in these incidences. Many times [3] they do fabulous work, but oftentimes I would say [4] half the calls our office gets are about police [5] cases. [6] If you want to look for, you know, a [7] uniform – and I don't mean to be rude, but people [8] are not wearing white sheets – the joke I tell is [9] that my clients are more concerned about people [9] waring Navy blue uniforms. I don't say that as [10] wearing Navy blue uniforms. I don't say that as [11] indictment of all police officers. Again, you see [12] incredibly good work done, especially in the Boston [13] community, but we see incredibly bad things [14] happening too. [17] hear more about that, so if you could many in the population and answer permands and answer permands are would appreciate it. [15] would appreciate it. [16] I am the Executive Director of the Housing Central and Volume		
[1] the easy trap of saying the police are the ones who [2] are the saviors in these incidences. Many times [3] they do fabulous work, but oftentimes I would say [4] half the calls our office gets are about police [5] cases. [6] If you want to look for, you know, a [7] uniform – and I don't mean to be rude, but people [8] are not wearing white sheets – the joke I tell is [9] that my clients are more concerned about people [10] wearing Navy blue uniforms. I don't say that as [11] indictment of all police officers. Again, you see [12] incredibly good work done, especially in the Boston [13] community, but we see incredibly bad things [14] happening too. [15] hear more about that, so if you could mage in least the question and answer policy about that at the question and answer	Page 175	Page 177
[15] The last thing I would say about attitudes [16] is what was mentioned about video cameras, saying a [17] great tool of enforcement is video cameras. You [18] know, I used to think that. You know, after the [19] Rodney King case, we all said, "Oh, that's what we [20] should be doing is mounting video cameras [20] should be doing is mounting video cameras [21] everyplace." But didn't the jury teach us a lesson [22] about that? I mean, we had a jury who saw what the [23] video camera saw and still were able to explain it	[1] the easy trap of saying the police are the ones who [2] are the saviors in these incidences. Many times [3] they do fabulous work, but oftentimes I would say [4] half the calls our office gets are about police [5] cases. [6] If you want to look for, you know, a [7] uniform – and I don't mean to be rude, but people [8] are not wearing white sheets – the joke I tell is [9] that my clients are more concerned about people [10] wearing Navy blue uniforms. I don't say that as [11] increase in hore [12] indictment of all police officers. Again, you see [13] incredibly good work done, especially in the Boston [14] happening too. [15] The last thing I would say about attitudes [16] is what was mentioned about video cameras, saying a [17] great tool of enforcement is video cameras. You [18] know, I used to think that. You know, after the [19] Rodney King case, we all said, "Oh, that's what we [20] should be doing is mounting video cameras [21] everyplace." But didn't the jury teach us a lesson [22] about that at the [23] about that at the [24] about that at the [25] would apprecia [26] if am the Exc. [27] Massachusetts. [28] coalition of the [29] advocates and a lesson [29] advocates and a lesson [20] incredibly bad things [20] surrounding coalition of the less are alout people [21] and the Exc. [22] about that at the labout that at the labout that at the Exc. [29] would apprecia about that at the Exc. [29] would apprecia about that at the Exc. [29] about that at the	ut that, so if you could maybe talk ne question and answer period, I ate it. ecutive Director of the Housing Project. It's a private nonprofit nter serving Central and Western It was founded in 1989 by a elegal services lawyers, shelter community advocates: rned because we all saw an melessness as a result of The Housing Discrimination Project ousing enforcement and education area which includes more than 4,000 and over 1.5 million people. ing in one of the most segregated untry. According to a nationwide , the Greater Springfield Area, which where our office is as well as the communities, was the 34th most a in the country. Boston ranked by time I hear about Boston and hear

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Since we opened our doors in 1989, we have
received more than 1600 complaints of housing
discrimination. And while most of the
discrimination complaints we received concern
discrimination in rental housing, we are getting a
growing number of complaints from people who are
trying to buy homes and in particular people who are
trying to get homeowners insurance.

During 1997 HDP opened 157 new cases of housing discrimination. We were only able to rule out discrimination in 17 percent of those cases. We were able to collect \$147,000 in damages for the victims of housing discrimination, and that represents a 260 percent increase in the awards over 15 1996.

Is I want to talk about a couple of the cases that we see because I think that those are the best illustrations of what is going on in the communities that we serve. A case that we're handling right now involves a large condominium complex in Amherst, Massachusetts, that most liberal and most progressive community in Massachusetts, or that's how it likes to think of itself.

We had a client go into this complex trying

But, you know, the attitude is that they

| don't – families with children don't deserve to

| live here, and where do they deserve? Too often it
| is in neighborhoods where housing is in bad
| condition and the neighborhoods have deteriorated.

In a case that we recently settled against
17 a Hampden County landlord, we received a call from
18 an ex-employee – and as you hear me talk, you're
19 going to hear this theme: Ex-employees are some of
19 our best informants, some of the best evidence that
19 we can have. The ex-employee called and told us
19 that she had quit her job because she could no
19 longer carry out the policies of the apartment
19 complex.

And what those policies were were to charge more money to people who were Latinos, to hang up the phone if Latinos or someone called with a Latino accent, to offer Latinos apartments in the unrenovated, run-down part of the complex, and to offer whites apartments in the nicer areas of the complex at lower rents.

We did testing, which means we sent out people, a Latino woman to look at the apartment, and a white woman. We did several tests, and each of

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[1] to rent an apartment. She and her family were

[2] living with her father in a one-room apartment.

[3] They had been looking - this was actually the

[4] second case we have with this client. She went in

[5] to apply for an apartment, and the owner of the

... and an initiate told benefit at the and made a male that

[6] condominium told her that there was a rule that

[7] children under the age of 15 were not allowed in

[8] this particular complex.

[24]

During the course of investigating that,
what we found was that the condominium trustees, the
management company, and the condominium association
seach at three different times had brought up the
sisue with their attorney as to whether or not they
should change this rule, maybe it was illegal, and
sultimately they decided not to change that rule,

[16] because, after all, who was it really hurting?
[17] Most of the discrimination we see against
[18] families with children is that blatant. People will
[19] simply say, "No children here," or they will
[20] advertise in the newspaper, "No children," or "Two
[21] adults only." And when we call them on it, they get
[22] very indignant: "What are you talking about? This
[23] is my house. I can say – it's not like they're
[24] black."

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[1] our white testers, the person who was showing them
[2] the apartment offered to move them in themselves if
[3] they would live there.

We had a second ex-employee call on that
[5] particular case, and he hadn't known that we had
[6] already received a complaint, and he gave us the
[7] exact same information all over again. Both of
[8] these were people of color, and unfortunately, the [6] people who were doing the discriminating, the people
[10] who were hanging up the phone and charging more
[11] rent, were also Latinos and other people of color,
[12] which got very difficult.

[13] We've heard a lot from the courts, and one
[14] of the things that I would really like to see is
[15] some training for the courts themselves about the
[16] housing discrimination laws, because too often when
[17] we see discrimination by members of the protected
[18] classes, African-Americans, Latinos, Asians doing the discriminating, the courts tend to say, "There can't be any discrimination. People don't
[20] can't be any discrimination. People don't
[21] discriminate against people who look like them," and
[22] too often we find that that's not true.

[23] In a similar case, in another case that we [24] were handling in Amherst, we were contacted by

	1
Page 182	Page 184
[1] several maintenance employees because of	[1] The case was filed with HUD, and on
[2] discriminatory management practices by a new owner.	[2] September 30th the President of the United States
[3] At the time that the owner bought the	[3] and Secretary of HUD Cuomo held a press conference
[4] complex, the families that were living there were	[4] in which this case was highlighted, talking about
[5] mostly Cambodians, people who had come out of the	15] how prevalent and how pervasive housing
[6] camps in Thailand and in Cambodia and had come right	6 discrimination is. And I think I heard the
[7] to this complex, and in addition there was a large	71 President say, "I thought we had solved that
[8] Puerto Rican community there. In fact, the	[8] problem," and let me tell you, you haven't. It is
[9] Cambodian community there was so strong that there	[9] still a very, very prevalent problem, every place in
[10]-was a Cambodian monk, a Buddhist monk-who-had a	[10] Massachusetts and really throughout the United
[11] temple there, and in addition, the	[11] States.
[12] Cambodian-American Association had its offices	[12] The one thing I should mention is that the
[13] there.	[13] cases is now in Federal Court, and the owner of the
[14] By the time the HDP got involved, the	[14] rental agency has said that in fact what "ARCHIE"
[15] apartment was only 38 percent people of color, and	[15] means is crabby, so if a landlord was crabby, they
[16] the rest were all U. Mass. students. Someone had	[16] were an Archie.
[17] asked earlier, when they were discussing the	The last thing I would like to talk about
[18] problems with the police department and the	[18] in terms of cases – right now I have been talking ;
[19] difficulty that people in the Asian community in	[19] about disparate treatment cases – probably the most
[20] particular have with authority – in that case, one	[20] cutting edge and the most frequently discussed cases
[21] of the things that was absolutely heartbreaking to	[21] in the fair housing field right now are disparate.
[22] see was someone just simply getting a letter with an	[22] impact cases, cases where there is a neutral rule
[23] official stamp on it and immediately moving out.	[23] that has a greater impact on one group than on the
[24] We dealt with a lot of post-traumatic	[24] other.

Page 183 Page 185 Where we're seeing this a lot is the stress syndrome in that case, not because they were [2] doing anything like banging on the door or [2] landlords who are more sophisticated, the large [3] threatening to beat someone up, but because they [3] landlords, they know not to use "Archie," they know [4] were getting letters that reminded them of what had [4] not to tell their maintenance people, "Don't do [5] gone on in their past, and they didn't believe us [5] maintenance on that particular apartment because a [6] when we said, in fact, "No one is going to come and [6] person of color lives there." But what they have 17] hurt you simply because you got this letter saying [7] done or at least what it appears that they have done [8] you have to move out." [8] is to create a set of rules that does the same: [9] thing. In one of the most high profile cases that [10] we've investigated, some of which you might hear, In two cases that we have involving almost [10] [11] the Housing Discrimination Project filed a complaint [11] 150 units of housing in Holyoke - and I don't know [12] against a Worcester rental agency alleging that they [12] if any of you know Holyoke, but it is a very poor [13] were steering the people who were coming in to see [13] city, lots of people who live there are in some kind. [14] of public housing or rental assistance, and it has a [14] them. Again we were assisted by an ex-employee, [15] very large Puerto Rican population. But the rule in [15] [16] who copied a lot of the listing sheets that the [16] these two complexes was "We won't sign leases." 117 company had used, and on those listing sheets we 1171 if anybody is familiar with the Section 8 [18] found something very interesting. A lot of the rental assistance program, in order to use, your [19] listing sheets had, in large capital letters at the [19] Section 8 in an apartment, you have to sign a lease. [20] top, "ARCHIE." There were other codes that were [20] And so their excuse was, "Oh, we take Section 8. [21] used on there, and what the ex-employees has told us [21] Yes, we love Section 8, we want Section 8. Section [22] is that "ARCHIE" mean that it refers to Archie [22] 8 is great. We just won't sign leases." [23] Bunker, and what it means is that this landlord will And in discovery, it was actually an [24] not accept blacks and Latinos. [24] investigative conference at the MCAD, the attorney

having a disparate impact.

looking at the demographics.

[5]

[15]

1161

[17]

[18]

[2] 8 have lived in this 250-unit apartment complex in

[6] like that - we actually managed to settle that case

[7] and got them to change the rule. What is even more

now have gone to is a rent-to-income ratio, so that

rent." If the rent is \$100 a month, your income has

to be \$300 a month. In most areas that is going to

Section 8, and a lot of people of color, simply by

And we have not yet been able to go after

this, because it's a very complicated case, looking

going to cut out the members of the protected groups

even more than nonmembers of the protected groups.

at the demographics and showing that in fact it's

So it's something that is going on in

[23] subtle ways. When you look at who is living in the

[24] complexes, they are all-white complexes, even though

cut out everybody on welfare, everybody who has a

landlords will have a rule that says, "I will only

prevalent, and what we think that these complexes

accept someone whose income equals three times the

What is even more prevalent than something

[3] the last ten years?" There are none. Neutral rule

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III from my office said, "And how many people on Section

11 lot more. HUD at the moment has a mandate from

[2] Secretary Cuomo to double the number of enforcement

3 actions that it files within the next four years.

[4] And so we're going to see, I hope, a lot more

[5] seriousness, that this issue is being taken a lot

[6] more seriously.

You heard that Chuck say that 90 percent of [7] their cases are employment cases and 10 percent are

19 both public accommodation and housing discrimination

[10] cases. That's not a lot of housing discrimination,

[11] because we know it's going on a lot more than that.

Thank you very much.

(Applause)

[13]

MS. MENDEZ: Now, Zenobia Lai from the [14]

Asian Outreach Project of the Greater Boston Legal

[16] Services. Zenobia.

MS. LAI: Thank you. It will be really

difficult to beat the last speakers being so dynamic [19] and interesting. I don't know if the ranking order

[20] of who speaks first has something to do with how

[21] long they've been in the profession, but I work at

[22] Greater Boston Legal Services, which will be

[23] celebrating its 100th anniversary by the turn of the

[24] century, 2000. And the Asian Outreach Program has &

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[1] been around for 25 years. It was actually started [2] by a law school classmate of Judge Chin 25 years

[3] ago, and I am honored to be carrying on the torch.

Greater Boston Legal Services provide free [5] legal services to low income individuals on

different kinds of civil problems, such as housing,

family law, immigration, benefits, employment,

health and disability, and a lot of other stuff:

And the Asian Outreach Program was started to

provide legal services to Asian-Americans'or Asian '

immigrants who do not have access to the mainstream

legal services because of language and cultural

[13] barriers. We are happy to be in business for that

long, and hopefully for a little while more.

I hate to inject something complicated in

[16] the civil rights discussion. That is I'm going to

[17] talk about the experiences of immigrants in the [18] enforcement of civil rights law or the willingness -

[19] to use civil rights laws to protect themselves. And

[20] I'm going to talk about the experience of the Asian

[21] community, because that's the one that I am closest

[22] to and I know the most about. And to talk about the

[23] implications of civil rights law enforcement in the

[24] immigrant community, we have to talk about the

[1] they don't have a rule that says, "We will only rent

[2] to whites." I actually did a case that ended about a [3]

year ago that I lost in ignominious humiliation, and

[5] I have to confess to that, in which I actually got [6] to do a deposition of the landlord, and I said,

"When did this policy go into effect? He said, "1988." And I said, "And what was your default

[9] rate? How many people were not paying the rent [10] prior to 1988?" He had no idea. I said, "Okay,

[11] after 1988, were there fewer people who were unable

[12] to pay the rent?" "No. In fact, our evictions have

gone up every year for the last ten years." [13]

So their excuse, that "This is how we [14] [15] figure out who can afford to live here and who can't," doesn't hold up, but at the same time we don't have the affirmative evidence that we need in

[18] order to show that it has in fact had a disparate [19] impact on these groups.

That is the substance of what I wanted [20] [21] say. Housing discrimination is - in fact because [22] of the September 30th press conference that the

[23] President did, housing discrimination has become [24] much more visible, and it is being talked about a

Page 190 [1] immigration laws of this country. And I hate to mention a bunch of laws that [3] luckily are already off the books, but it was on the [4] books for a long time, and it changed or defined [5] what kind of immigrant community we find or what [6] kind of Asian-American community we find today in this country. In 1882 Congress passed the first Chinese [9] Exclusion Act. This was to be continued and [10] extended for a number of years; eventually resulting [11] in permanent bar of people of Asian descent in [12] 1924. And the naturalization law of 1790 actually [13] barred nonwhite immigrants from gaining citizenship, [14] which wasn't removed until 1952. So it was on the [15] books for how many number of years? I'm not good at [16] math.A long time. Then the 15th Amendment that gave voting [17] [18] rights to certain people did not apply to nonwhite [19] immigrants, because they are noncitizens. And it [20] wasn't until 1965, when the laws about immigration [21] changed in this country, that our community began to [22] look like any other community.

Just to talk about what happened in [24] Massachusetts, the first Asian community in

[23]

Page 192 [1] are only here for the moment, they are what we call [2] sojourners, meaning that one day they will go back [3] home, and that's where they came from. On the other hand, with all these laws s passed by the Congress, it seems like there is a [6] legislative sanctioning of discrimination against [7] certain people from certain countries, and Asian [8] immigrants being discriminated is okay, because that [9] was the message; otherwise, why would Congress pass these laws? And it's just like segregation in [11] schools and public facilities were okay at the time. So the general climate made it very [12] [13] difficult for immigrants to even leave their [14] immigrant enclaves, because if they do leave their [15] immigrant enclaves, they would be harassed and [16] beaten up by other people in the general public, so [17] thus creating these very closed societies in [18] different Asian communities., However, at the same time as Chinese [19] [20] immigrants or Asian immigrants were starting to come [21] to this country, there were also immigrants from [22] Europe, from Ireland, from Italy, from Poland, from 👍 [23] Eastern European countries. However, their [24] experience was totally different.

[1] Massachusetts started to form in 1870 in Boston's [2] Chinatown. That is the first group of Chinese 131 workers who were shipped from the West Coast to [4] break a strike in North Adams, lost the job after [5] the strike was over, moved to Boston Chinatown and started to settle there. **161** However, remember 1882, we have the Chinese [7] [8] Exclusion Act, so this group, which was mostly male, [9] single male workers, they could not bring in their [10] family members. Actually, they cannot leave the [11] country without permission of the government first. [12] If they did get married and did leave, they could [13] not bring back their wives and children. That [14] created a bachelor society in a lot of Asian [15] immigrant communities, including a lot of Chinatowns [16] and Koreatowns around the country. [17] Because of this law, it really leaves a [18] legacy of a very incomplete community. It is a [19] community of single people who have families around [20] the world. They have to always struggle between the [21] two worlds. And because of the exclusionary [22] immigration laws, they created a sense of exclusion

3 you are white. So immigrants from Ireland, Italy, [4] Poland and other European countries were allowed to 5 become citizens, they were allowed to bring in their [6] families, they were allowed to have a community, and [7] thus to develop their community and political power [8] and ability to move up. That's why you can have [9] Irish politicians, you can have Italian politicians, [10] and you can have Eastern European politicians, but [11] not Asian politicians until more recently. [12] The nature of the Asian community did not [13] start to change until 1965. That is when the [14] discriminatory immigration laws were changed once risi and for all. [16] Immigration quotas were designed based on [17] national origin. National origin was based on the [18] 1890 census, which means that if you have a hundred [19] people from a certain country at the time; then you [20] can have a certain quota from that country come to [21] this country as immigrants in this century. So if [22] there wasn't any – I'm sorry, it was actually [23] 1790. So if there wasn't any immigrants from China

[24] at the time, you don't get any quota, the quota is

Remember the naturalization laws, they

2 allowed immigrants to become a citizen, but only if 's

[23] in the immigrant community. They felt that they are

[24] not welcome in this country. They felt that they

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[1] zero. And that remained on the books until 1965,
[2] when all the countries around the world can have the
[3] same number of immigrants coming to this country.
[4] The law that I mentioned earlier, which
[5] says that Chinese were excluded or Asian people were
[6] excluded from entering the country, wasn't revoked
[7] until 1943. That was in the middle of the Second
[8] World War, when we have to make friends with certain
[9] countries on the Asian continent.

Then after the war it was in 1948 that the
[11] War Brides Act allows some of the Chinese single men
[12] who joined the military and had wives abroad,
[13] allowed them to bring in their wives and family.
[14] And then the Refugee Act of 1949 also allowed a lot
[15] of the Chinese students who were stranded in the
[16] United States because of the changes in the
[17] political situation back home – they were allowed
[18] to stay.

[18] to stay.
[19] It was not until 1952 that all immigrants
[20] were allowed to naturalize. So if you have
[21] immigrants or people from China who have been around
[22] probably for 70 years by then, they were here, they
[23] spent much of their life here, they weren't allowed
[24] to become a citizen until they were probably in

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[1] graduate from colleges in any significant numbers.
[2] And that's when the Asian-American community came to
[3] change to the shape that it has now. However, we
[4] are still way behind in terms of political clout as
[5] compared to other immigrant communities who started
[6] to form a community in the U.S. in the same time the
[7] Asian immigrants did.
[8] And because of – presently, about 65

And because of – presently, about 65
percent of the Asian-American community are made up
for of immigrants. Because of that, it shaped the
nature and composition of Asian-American communities
and thus the priority in terms of what rights they
want to enforce first.

When you have a community that is predominantly immigrants, economic survival comes a head of a lot of different things. Civil rights is something that is not as tangible as economic survival. So even though there are civil rights will right violations left and right, however, people will try to ignore that for the time being until they can safeguard their subsistence for the time being.

And because of the community that we are having, we are constantly fighting the battle of

[24] having enough people to serve our community. For

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[1] their late 70s.

And because immigration law is such that
only if you are a citizen you can bring in your
wives and children and family members, so it wasn't
until they can become citizens that they can bring
in their family members, and it wasn't until 1965,
when the immigration laws become more equalized
among different countries, that's when the
Asian-American community started to develop.
However, as some community members had told

However, as some community members had told me, they had grandfathers who came here in the late 1800s, but then when they came to the United States, in the '50s and '60s, they came as immigrants. They should have been second- or third-generation Americans. And that's what shaped the Asian-American community. It should have been a community that had two or three generations of people born here, raised here, went to college and developed careers here, but because of the immigration laws, they came as immigrants.

So it wasn't until 1960, locally, that
there was the first group of college graduates who
were native-born Asian-Americans or Asian immigrants
who came at a very, very young age who began to

Page 197 example, since Judge Chin graduated from college,

[2] there are a lot more Asian-American students, law [3] students, lawyers, practicing law.

But I hate to tell you that there was this
one very personal and very recent experience that I
had in a court in Massachusetts. I was representing
an Asian immigrant, just like I always do, and I was
higher in this court where apparently immigrants are not as
higher frequent appearing before the court: I felt like
higher the judge seemed to think that I am somehow

colluding with my client to create a situation.

This is very unpleasant, and sometimes I question, would having more of us appearing in the court really change anything, unless we can educate judges and everybody else on the different experience of our society?

The immigrants are part of our society, whether you like it or not. They are here, and they are here to stay, and we need to really sensitize individuals of different immigrant experience. A let lot of the prediction of the census has informed us let that by 2050, the demographics of this country will be very different. We have 53 years to get there, let and we better act fast. Otherwise it will be a very

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[1] difficult time to live. Thank you very much.	[1] Russian interpreters, and the only justification was
[2] (Applause)	[2] that Russian interpreters were not as prevalent or
[3] MS. MENDEZ: At this time, I want to take a	[3] something like that.
[4] moment and give the Committee members the	[4] The national origin immigration is really
[5] opportunity to ask questions, and also to give the	[5] one of the most daunting challenges that civil
[6] panelists the opportunity to make some remarks and	[6] rights is going to be facing, I say into the
[7] comments about the presentations of some of their	[7] millennium, particularly with respect to education.
[8] other colleagues. Any questions? Peter.	[8] And then the MCAD, you know, our big challenge is to
[9] DR. KIANG: I remember when the civil	[9] make sure that interpreters - well, resources is
[10] rights law in Massachusetts first went on the books	[10] always an issue at the MCAD, so we have to make sure
[11] and cases came up, and we were trying to establish a	[11] that we draw upon the good resources and goodwill of
[12] case history that would be powerful to interpret the	[12] a lot of people.
[13] law the way it had been intended. And in those	[13] But in terms of the actual cases, it takes
[14] early years, the way that the law was being	[14] much, much more than a slur. Unfortunately, the
[15] interpreted by the various levels and layers of the	[15] courts have created very big standards in order to
[16] criminal justice system in cases of racial violence,	[16] prove discrimination. A statistic that I left out
[17] a crucial piece of evidence in a case would have to	[17] in my talk was that, you know, we grant in 12
[18] be racial slurs being heard.	[18] percent of our cases probable cause. 90 percent of
[19] And I remember many, many cases in the	[19] those cases settle, and the ones that advance to
[20] mid-1980s, as the Asian population was growing,	public hearing, let me ask the audience, what do you
[21] where for immigrant victims, not understanding	[21] think the breakdown is in terms of the win-loss
[22] English, it really wasn't possible for them to know	[22] ratio of plaintiffs? Very, very low.
[23] what were the words that were spoken in the	[23] Almost 75 percent are found in favor of
[24] incident; and therefore, using that as the basis for	[24] respondent. This is after you cover this whole

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[2] the homicide or to the assault or the arson, or [3] whatever, made it very difficult for some of those [4] cases to go forward. And so we pushed pretty hard on that, and [6] I'm just wondering now, you know, over 10, 12 years later, since those early cases when we were trying [8] to use the law, whether, as we look at immigrant [9] victims of racial harassment - I'm not only [10] speaking about Asian immigrants of course; there are [11] Haitians, there are Somalis, there are many, many [12] different colors of immigrants today, unlike the [13] early generation of immigrants at the turn of the [14] last century - how effectively do the presenters [15] feel that the Mass. civil rights law is being used [16] now to protect the rights of immigrants around this [17] language issue in terms of evidence and racial [18] language being involved? COMMISSIONER WALKER: If I understand your

[1] determining whether there was a racial character to

[19] COMMISSIONER WALKER: If I understand your [20] question, it is like what standards or how difficult [21] it is. I can tell you that we just found probable [22] cause in a case against a state agency. It's one of [23] the biggest lawsuit we have, where they paid Spanish [24] interpreters two times less than what they paid

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[1] group. It is because it is such a Draconian burden
[2] to prove. And when you have language as an
[3] inhibitor, it exacerbates their ability to prove
[4] their case, prove their discrimination. That's my
[5] take from the MCAD.
[6] MS. DOUGAN: The question you're asking, it
[7] still goes on, the idea that a lot of the racial and

[6] MS. DOUGAN: The question you're asking, it [7] still goes on, the idea that a lot of the racial and [8] other forms of bias, harassment and violence; [7,2]; [9] depends upon whether a slur was used. And I was [10] saying the kind of victims we like to see, we being [11] the responding institutions, the authorities want to [12] see a case where the person all but spray-painted a [13] racial slur on your forehead, because obviously it [14] couldn't have been something if you didn't use that [15] kind of language.

There is now this whole list of what are [17] called bias indicators, which is kind of like going [18] the other direction; it's so technical that you can [19] take a case and apply the bias indicators to it and r [20] drain it of any life that it might have.

[21] We still have that problem. We still try
[22] to work with people to see that there is a lot of
[23] other factors going on besides the use of racial
[24] slurs. Northeastern several years ago did an

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[1]	interesting study where they talk about the	[1]	presumes somebody can speak the language well enough
	characteristics of hate crimes, and they	[2]	to communicate that which goes beyond just slurs,
	oftentimes – we remind people to look at these	[3]	and as more subtleties can be found, language
	things. It is usually the victim is outnumbered,	[4]	proficiency becomes more important to make that
	the victim is usually – the level of force used is	[5]	known. And I am wondering what has been done to do
[6]	usually not the same as other crimes.		that, provide language proficiency in all state
[7]	,,	[7]	agencies and governmental bodies that provide
	get whacked with a hockey stick or baseball bat or	[8]	services to the residents of this state.
	spit on, if not all three, and that's not how the	[9]	
	typical crime takes place. The good news is that	[10]	kind of agency you're talking about, but there's
	you rarely see guns involved in these crimes, very,		actually two ways to answer to the question. One is
	very rarely. So what we try to do is say, "Look,		that even where interpreters are provided, the
	there are a lot of other factors here that point to		interpreters are not always proficient enough to do
	this as being a hate crime or racial violence	[14]	the job that needs to be done.
[15]	besides just the use of slurs."	[15]	
[16]	,		and my question was "When did the landlord find out"
	want these cases to be kind of easy to handle and		whatever. The translation was "When did you tell
	process, and the racial slur is used as the gate,	[18]	the landlord" whatever. I knew she hadn't told the
	you know, and if there wasn't a racial slur, well,	[19]	landlord. It was the wrong translation. And
	buzz, no hate crime; if there was, well, you know,		fortunately, my colleague, who was fluent in
	that's a whole different problem. It's still an	[21]	Spanish, was in the office, or in the courtroom, and
[22]	issue, and it's still oftentimes seen as a	[22]	she could tell me, "You're not getting the right "
[23]	shortcut.	[23]	translation."
[24]	I think it represents lazy thinking,	[24]	But that's just Spanish. I worry about the
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	whatever, but it is still there. We actually saw a			translations for Cambodian, versus Vietnamese,	
	defendant in a case where in a moment of utter			versus some of the other Asian languages. The	
	honesty, he said, "Well, I'm too smart to use a			Russian, we have a large Russian population. It is	
	racial slur." Fortunately most of our defendants			very difficult to get anyone to translate into any	
[5]	aren't that smart.		[5]	language other than Spanish.	
[6]			[6]	I understand that Worcester has a large	
	a job for all of us to say that there are a lot of			Armenian population. We do not have any access to	
	other factors going on here, what is the history of		[8]	translators for people who are Armenian. So that's	
	this neighborhood, you know. It is still a problem,		[9]	an issue. And when you look at anything that's sent	
	but I think people are getting a little more			out by a government agency, the most that we have	
	sophisticated about it. But it always comes up.			been able to get through negotiation is one sentence	ce
[12]	You are absolutely right.			that says, "Get this translated," and maybe it will	
[13]	MR. JUNG: As these convictions become more			be in a whole bunch of different languages, but it	
	difficult because the subtlety of racism increases,		[14]	doesn't tell them what's in the letter.	
	I think there becomes a bigger need for language		[15]	It doesn't say, "Your welfare benefits are	
[16]	proficiency. Now, given that to be the case, and		[16]	being cut off." It says, "This is an important	
[17]	given that the State is mandated to provide service	S	[17]	letter. Get it translated," and it is in a page of,	
[18]	to all, that to me includes language.		[18]	you know, page after page in all these different >	٤
[19]			[19]	languages, that someone would have to actually page	ge` +
[20]	can speak to what moves the State has taken to		[20]	through until they saw writing that they	
	provide adequate languages for all the people that		[21]	recognized.	
	they serve in the Commonwealth, because as you s		[22]	So I actually think that there is a long	
[23]	if the discrimination has moved on beyond the wo			way that we need to go and a long way that we nee	ed
[24]	slurring to much more complex issues, then that		[24]	to work in order to get people to be able to have	
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[1] then I was told, once I sent in the application, I	[1] you interpret – since credibility, since demeanor
[2] will wait until they find somebody who can train	[2] is part of the credibility, how do you interpret
[3] me. I think it was more than a day training course,	[3] demeanor and emotion?
[4] then I should get license if I passed the training	[4] JUSTICE CHIN: What do you mean? Well,
[5] and so forth. That was back in 1995.	[5] juries do that, they interpret demeanor.
[6] Is there actually a rule for the Justice	[6] MR. KINAN: How do translators do that?
Department that you –	[7] I'm trying to understand.
[8] JUSTICE CHIN: Are you talking about the	[0] • MS. MENDEZ: You mean in terms of when the
[9] Justice Department or the court system?	[9] translator is there, and they're translating, how
[10] MR. LIM: Justice Department, that's where	[10] can they tell you that the person is upset or "
[11] I applied.	[11] angry?
[12] JUSTICE CHIN: Oh, the federal?	[12] MR. KINAN: No. Since demeanor is part of
[13] MR. LIM: No, state.	[13] the credibility issue, how does a judge or jury
[14] JUSTICE CHIN: Then that would be the court	[14] decide through a translator demeanor and –
[15] system. The court system is responsible for	[15] JUSTICE CHIN: Well, there is talk about
[16] providing interpreters. That's probably one of the	[16] that. There is talk about that we should allow
greatest challenges facing the court system for the	[17] testimony about cultural differences so that jurors
[18] future.	[18] can understand why some Asian people look down while-
The Commission to Study Race and Ethnic	[19] they're talking, they don't look you in the eye,"
[20] Bias, when we did hearings across the state, we	[20] that sort of thing. Those things are being talked
[21] expected to hear complaints about how people were	[21] about.
[22] treated in court, but invariably what we heard was	[22] MR. LIM: Just to finish up my remark, to
[23] testimony that people couldn't even get by the	[23] the extent of Mr. Jung's remark, could anybody at
[24] clerk's office because they weren't able to	[24] the MCAD or any organization like that work on the

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[1] idea of like, okay, in order to provide – the state	[1] just think is impractical, and it's not even being
[2] to provide qualified trainers in Korean? I don't	2 considered.
[3] know how many there are. The meaning of that is,	MR. KUO: My name is Jeff Kuo. I'm with
[4] how long does a person like myself or some other	[4] OCA, Organization of Chinese-Americans, but I speak
[5] here have to wait to get certified? So is there any	5 for myself today. And I happened to be in law
[6] work by any provision that can be done, initiated by	[6] enforcement before, I'm a military policeman, I'm a
[7] one of this organization or something else? That's	[7] lieutenant, and I am a businessman. I work for a
[8] my comment.	[8] law firm. I'm also with a Chinese student
[9] JUSTICE CHIN: You're in the right place.	p association. I work with different campus. I have
[10] You're in the State House. This is where you should	[10] a testimony about what we are talking about. I'm a
[11] come back probably on Monday and speak with the	[11] translator, that's the reason I raised my hand, but
[12] people that are here. It is just money. I think,	[12] after that I have something about law enforcement.
[13] you know, they do it in the United Nations, but, you	[13] Can I say that?
[14] know, we need to do that in courthouses all over the	[14] MS. MENDEZ: Sure.
[15] state. But right now, there is no money to do that.	[15] MR. KUO: First I was saying about the
[16] MS. MENDEZ: I think Erin had a response.	[16] translator, I had very bad experience. I used to
[17] MS. KEMPLE: I think the other reason that	live in Maryland, I'm from D.C., okay. I live there
[18] we need interpreters, and it is not required now,	[18] about seven years. I used to travel a lot. I'm a
[19] and it doesn't go on now, is for juries. You can't	[19] resident here now. 1994, I got involved with a case
[20] get a jury of your peers, because if you don't speak	[20] with my landlord. Okay. I was traveling. And
[21] the language, you can't be on a jury. It says right	[21] since it was a Boston Police misconduct – the
[22] in the jury form, "Do you speak English? If not,	[22] landlord come in and we have some argument. They
[23] you are excused from service."	sent me to Roxbury District Court. I got a lawyer,
[24] I practice where a lot of the	[24] a very good lawyer. She practice in Brookline,

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	discrimination goes on against Puerto Ricans, and we	[1]	criminal lawyer for about 18 years.	
	can't get a jury of this person's peers, because we	[2]	,	**
[3]	can't get enough Puerto Ricans on the jury, because	[3]	or translator. They told me we don't have that. My	
	they're all excused from jury duty. I'm sure that's	[4]	lawyer told me. So, after that, I go there without	ĸ
[5]	true with a lot of the other immigrant communities	[5]	translator. So after a couple of days, I read	
[6]	and ethnic minorities who don't speak English as	[6]	Boston Globe. They have the money for that system	n,
[7]	their first language.	[7]	for the court system. I went to court all the time	
[8]	JUSTICE CHIN: I just want to say that	[8]	for law enforcement and the state that it is	Ç
[9]	that's something that came up in discussion at the	[9]	So what I am trying to say, at least in	
	Commission to Study Race and Ethnic Bias. I also	[10]	1995, they got money. They assigned money. I	•
	serve as chair of the Jury Management Advisory		don't - I can't state they assigned the money for	
	Committee, and the racial composition of juries was	[12]	them. They don't use it. So that's one testimony I	
	always something that we were thinking about and	[13]	experienced.	
[14]	concerned about.	[14]	Another one most recent, at DET, at the	
[15]	I've raised this issue about eventually		state level. That was one case. I requested for	
	we're going to have to provide interpreters for		the translator. They do have that, okay. But the	
	jurors, and I was almost laughed out of the room.		problem is that they ask you, "Why you need a	
	People just thought it was preposterous. However, I		translator? Your English so good," okay. You know.:	
	know that hearing-impaired jurors have the right to	[19]	what I mean? And they question, when I got a lawy	er
	have an interpreter, and the interpreter – I mean,	[20]	who is Chinese, "Why you Chinese always have Ch	inese
[21]	we've adopted rules to accommodate hearing-impaired	[21]	lawyer?" Okay. And when I work on the campus, I a	ım
	jurors, and they have the right to serve. And I	[22]	a consultant, I don't work for them. You know, this	
	don't see how having a language interpreter would be	[23]	is New England, this kind of language, okay, yes.	
[24]	much different. It's just something that people	[24]	So I don't know what your answer is about	

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[1] the translator. [2] JUSTICE CHIN: Well, I've been a judge [3] since 1989, and we have money for translators. [4] There were Chinese translators when I was in the [5] Boston Municipal Court. I don't know whether the [6] problem was the judge or your lawyer, but – [7] MR. KUO: My lawyer told me – my lawyer is [8] a good lawyer. I won the case. I tell you I won [9] the case. They lose the case. [10] — JUSTICE CHIN: There were Chinese [11] translators. So there was some problem. They spent [12] the money, but there are translators. [13] MR. KUO: After several months, the Boston [14] Globe again has posed there is some bribery in the [15] District Court here, okay. [16] Can I say something about the police? [17] MS. MENDEZ: Okay. [18] MR. KUO: I come here one reason only, ask	[1] me my age?" And he is not professional at all. He [2] asked me my E-mail. I didn't mention I am involved [3] with church all the time. I am like a minister. [4] He asked me if I have a Chinese year [5] party. He asked me, "Can I give you my E-mail [6] address so you can send E-mail message to invite [7] me?" What kind of a question? Why we spent so much [8] money to police? I used to be a very good law [9] enforcement. I enforce the law for military, for [10] country, state, federal, and also I am a PR [11] person – I read the news. [12] So I'm trying to say then I – because my [13] lawyer was busy, so next day I called my lawyer. [14] Before I called my lawyer – I called my lawyer; he [15] didn't call me back. Next day I called the Boston [16] Police. You know, I used to be a police, I know the [17] system. [18] I called the Boston Police Internal.
[19] why Boston have so many campus here, you know, like [20] Harvard, BU, okay, so many, why the Boston [21] University police, they didn't come to today's [22] event. What is their – who oversee them? I know [23] Boston University police, my personal, okay. [24] I don't know – can I say something? Can	[19] Affairs, Sergeant Ivan. I don't know why today the [20] Boston Police Commissioner or Superintendent, he [21] didn't come. Ivan, he take my case. I told him he [22] has written me with Boston Police. Okay. He said, [23] "I'm going to take the case," okay. [24] So he called him. I waiting there before

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[1] they use against me today? That's why I'm here.	[1] my lawyer come, and he call him. He say, "I talk to,
[2] Okay. I take responsibility, but I want to know. I	2 him already. He's afraid." He said, "That's for
[3] take responsibility for that. If I do a deposition,	BI sure. If he call you again" - you see, I am a very
[4] in lawyer terms, not testimony, okay, do I take any	[4] honest people, otherwise some trouble with Boston
[5] legal responsibility if I say something about that,	[5] Police. I am telling who do it, who not, okay. He
[6] about their misconduct, their discrimination?	[6] said, "I take the case. I talked to him. He's
[7] MS. MENDEZ: You mean today?	[7] afraid now. If he calls you again, you call me."
[8] MR. KUO: Yes.	[8] Okay.
[9] MS. MENDEZ: No, it's a public hearing.	Meanwhile I called Harshbarger. They're
[10] You should –	[10] State Police. I guess I am complaining about that.
[11] MR. KUO: Okay, okay. Most recent I have a	[11] He took my complaint too. Okay. Then after a while
[12] very bad experience with Boston University Police,	[12] my lawyer called me, okay. I'm not against anybody,
[13] okay. I talk to the Boston Police this morning. I	[13] okay. I said BU, my lawyer is from BU, okay. And
[14] got a case. One day, the Boston University Police	[14] my lawyer got all kind of Harvard, female, all kind
[15] called Detective Steve Struther, okay, he call me –	[15] of race, okay. I'm racial blind, okay. I'm a
[16] I am a businessman now. He call me about five	[16] Chinese, okay.
[17] o'clock, okay, call me and say he is the Boston	[17] So after that my lawyer called him, you
[18] Police. I respect this person, this police. He	[18] know, call him, leave message, fax him everything.
[19] told me he's Boston Police. He asked me why I go to	[19] He don't answer for three weeks. Finally, I got.
[20] BU. I went to BU for my legal case, MCAD case, your	[20] angry. I told my BU lawyer – he don't want me to
[21] case, okay.	[21] mention him, and he charged me every minute. So I
[22] Then he started to ask me my age, where I'm	[22] told him, "Why you don't get" – he says he got a
[23] from, okay. It's totally violate the civil rights	police report. At first he told me it is friendly
[24] code or law, okay. I told him, "Why are you asking	[24] call. Now he changed it. Now he has got a police

Page 218. [1] report. It is fine with me. I -MS. MENDEZ: Do you have a question? MR. KUO: I have a question. It's two [4] months now. Two weeks ago, okay, I go through the [5] Chief of Police, but counselor is a lousy lawyer. [6] Finally he says, they don't have police report, but [7] they have a report saying why I cannot go there. I waiting for one week now. The problem with this country, and this [9] [10] Massachusetts, is especially the campus police. How [11] many things happened at Harvard, MIT, in campus? [12] Why didn't they come here? And I personally have [13] this experience. I had a lawyer. These poor people - legal services, MCAD people do a good [15] job. I give them applaud for them. We don't have [16] too much Chinese judge, right. I asked Mr. Charles Wright, how come we don't have a Chinese chief of

[18] police?
[19] My point is very, very simple, okay. Why
[20] they didn't come here? They are the troublemakers
[21] in this area, and they have so many things happen in
[22] the campus, right, MIT drinking, Harvard. They are
[23] not professional. My first question is, who is in
[24] charge of – who is in charge of those BU

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[1] comment, and it is a disappointing turnout from that [2] standpoint.
[3] The second thing is, I always like to see

the MCAD get bad press in the paper, because it means you're doing a great job, and you need to keep that press coming.

And lastly, just a question for Chuck

[8] Walker. Would you comment about that Supreme Court

[9] Decision that was issued in December that allows the characteristic challenge of EEOC decisions, which I think kind of threw a big monkey wrench into the whole process, because companies have unlimited resources and

[13] complainants have next to zero. Would you comment a [14] little bit about that.

COMMISSIONER WALKER: The case that Doug is referring to is the Lavelle case. And it is simply under our statutory scheme only the plaintiffs – and we have been in existence for 52 years, second oldest agency in the country. Under our statute, which is very proactive plaintiff slanted, only the plaintiff has the authority to remove the case from plaintiff has the legislative intent and that's the history, and that's the way it should be.

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[1] policemen?

[2] MS. MENDEZ: Well, what you should do is, [3] if you have a complaint, you should investigate, put [4] your complaints in writing, and you could bring it [5] to one of us or discuss it with us.

MR. KUO: Okay, fine. That's why I'm
here. Another idea was the DA office, and I deal
with Ralph Martin's office. They respond, but the
police not. Can I say more?

[10] MS. MENDEZ: No. I'd like to hear from [11] someone else. You have had the podium for a long [12] time. How about this gentleman in the corner. [13] MR. KINAN: I'm Doug Kinan, I handle

[14] complaints, investigations, do mediation, and I'm
[15] Black Employment Program Manager for the Department
[16] of Defense, and we have about 7500 people across
[17] half of the United States. We're Eastern, and they

[18] have the Western Division. But I just wanted to – [19] I have a question for Chuck, but I wanted to make a [20] couple of comments first.

One of comments is, and with all due [22] deference to those alleged civil rights community [23] leaders, they would disagree with anybody here, [24] because they are absent today. That's my first Page 221
We were designed to take the weight off of
the courts, and we naturally have become a forum and the experts in knowledge in discrimination, in the area of discrimination law. So it was appropriate that only the plaintiff – this is a plaintiffdriven statutory scheme.
Well, we started issuing a lot of high

Well, we started issuing a lot of high
the damage awards, and as you say, in the papers some
respondents decided that they were dealt unfairly
with, so they brought an equal protection claim
responding a requal right to a fault – and
red demanding a coequal right to withdraw a case filed
with the MCAD and file it in Superior Court.
Now, in housing discrimination respondents

Now, in housing discrimination respondents
[15] have that right, but in employment discrimination,
[16] which is 90 percent of our cases, that didn't exist
[17] until this Supreme Court decision. And it still
[18] doesn't exist, I'm proud to say.

There has been a lot of talk, a lot of this

Chicken Little, "The sky is falling," because what

the Supreme Court decision essentially – it's not

lead the best decision, but I saw Judge Wilkins not too

lead long ago, and it was kind of funny. He told me – I

was speaking, again I was long-winded at that thing,

Page 222	Page 224
[1] and it was at the SJC, and they were telling me to	[1] affects who their community is. It is not just,
[2] wrap it up.	[2] well, if they have a job, everything else will be
[3] So after the program I was walking off, and	[3] okay. In fact, a lot of my clients can't get jobs
[4] we were having our little sandwiches and stuff, and	[4] or give up jobs because they can't find housing in
[5] he said "I'm sorry." I said, "That's okay, Judge.	[5] the area where the jobs are.
[6] I do tend to be kind of long in the tooth." He	[6] I don't think that we can say that one is
[7] said, "No, I'm sorry for that mess we created with	[7] more important than the other. I think that they're
[8] that decision we wrote."	[8] equally important. And I think that the reason that
[9] And essentially what it does is it requires	p Springfield and Holyoke and the other places in the
[10]-now - it still requires a respondent to keep that	[10] country are so segregated is because everybody in
[11] case at the agency until it is completely decided,	[11] this country has said, "There are more important
[12] but you do have a right to remove it at that point	[12] issues than housing discrimination."
[13] and file a coequal right to a jury, which kind of	[13] In my experience, some of the hardest
[14] like nullifies the MCAD decision. So now what was	[14] fought battles are over housing. "I'll work with
[15] intended to balance the scales has really lopsided	[15] someone, I'll have them belong to my church if
[16] it by giving respondents two bites at the	[16] they're a different color or a different national
[17] fact-finding apple.	origin, but they're not living in my neighborhood.
[18] So that's essentially the thrust of it. I	[18] And we're going to have to be guarded and we're
[19] will be glad to tell you that the MCAD has really	[19] going to have to be gated," and we're going to have
[20] responded. We have rewritten our regulations. We	200 all these other new types of communities that are
[21] have some legislative packet that's going to help	[21] building up, because where you live, it's so close
[22] nullify that, and I really feel that we're in very	[22] to home.
[23] good shape, and the sky is not falling. But thank	[23] I don't want to say that employment isn't
[24] you for bringing that to my attention.	[24] important. It is just as important as housing, but

Page 223 Page 225 MR. KINAN: The last part of my comment, I [1] I don't think one should be more important than the [2] just want to mention too that I think that if this [2] other. [3] Commission is looking for some suggestions or MS. MENDEZ: I know Dale has a comment. [3] [4] recommendation as to what an agenda might be for the MR. JENKINS: Just one quick question for [5] coming whatever, I think that, one, whistle blowers [5] Chuck, and it is more for the record than my own [6] need greater protections, because, as you know, the [6] edification, because I do know the answer. messenger gets shot all the time. And, two, I think What is the Commission doing now for [8] that enforcement responsibility and accountability p various CEOs, chiefs of police, who traditionally -[9] should be the main thrust of this Commission, and 19) who would like to come forward and admit to their [10] only that. [10] subordinates they've done something improper, as, And I would like to emphasize that [11] say, the Commerce Department of the federal [11] [12] employment issues should take precedence over all [12] government will give someone a break? What is the [13] others, with all due respect to the housing [13] Commission doing now to encourage CEOs to come [14] advocates here. And the reason I say that is [14] forward, admit wrongdoing and take care of the because, if you have those employment issues iisi problem? COMMISSIONER WALKER: Dale, I guess as resolved, you may reduce your housing complaints and [17] all other complaints, because the economics of the [17] hoarse as your voice is, it is music to my ears, [18] situation really speak to that. But I would like to [18] because that is a wonderful segue, because we are [19] volunteer and get active with the Commission in any [19] embarking on a number of initiatives. Let me just [20] way I can, and I offer that service. [20] say that starting with the police model – and I MS. KEMPLE: Can I respond to that as a [21] know Commissioner Evans, was he here today? [22] housing advocate. Housing affects every single area MR. JENKINS: His superintendent, Larry [22] [23] of a person's life. It affects where they get their [23] Robicheau, was here. [24] job, it affects what kind of food they can buy, it COMMISSIONER WALKER: Well, let me stroke [24]

[1] Mr. Evans for a minute. We had really one of the [2] most outrageous sexual harassment cases to hit the [3] Commonwealth in a police department. It was - all [4] I can tell you is it was the worst thing I've ever [5] seen in my life. They settled the case for \$600,000 [6] against this woman cop. She had two brothers. I won't go into the lurid details. But I held off signing off on the [8]

[9] settlement until there was a definitive statement, [10] not only that, but a program for prevention and [11] education for the whole command staff, everybody throughout the Police Department, and not just a "We shall overcome" type thing, thorough training on [14] sexual harassment, soup to nuts, beginning to end, for over a year.

[15] And I'm pretty pig-headed, and I said I [16] wanted Commissioner Evans to hire one of our employees to conduct it and to do it and report to [19] me on a quarterly basis. And the offer to settle the case for \$600,000 languished for about four weeks because I was not budging, and Commissioner [22] Evans was not the stick, it was - I won't go too [23] much further, but there were other politicals. But don't you know he stepped forward, and

Page 228 [1] to come forward and do something about it, but is [2] chilled by fear of the adversarial nature of [3] litigation, and to put them in a laboratory room and [4] let them bang it out. And this is to address [5] systemic discrimination.

This will be the third forum, Monday night. We've been talking to clergy, we've been talking to educators, we've been talking to practitioners. So that's something that-we're [10] looking at, and that's one of the initiatives I [11] wanted to tell you about. Thank you for that little [13]

MR. JENKINS: My pleasure.

COMMISSIONER WALKER: But that's the kind [14] [15] of program you're going to see from here out for

no these types of things. DR. CHUN: I have one specific factual [18] question for you, Mr. Walker, a request for every

[19] one of you to take comments on. The question has to 201 do with what you said earlier. I think you had said [21] in the past fiscal year or calendar year you had

[22] 5,000 plus cases, complaints filed, and you [23] processed approximately the same or slightly more [24] cases. That means you are processing your backlog.

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[1] That's a very good thing. Not many agencies are [2] doing that.

[1] he designed an incredible program, way above what I [2] had - he exceeded what my expectations were. And [3] he is reporting to us on a quarterly basis as to the [4] progress of that, of the people, not just getting trained. And then at the end of the year, I or my designee is going to go into the Police Department and survey all the people that were tested or went through this program to see what the effects were. [8]

Okay. In answer to your question, Dale, we're also, in fact Monday night, and I will invite [10] all of you, we're going to have our third forum at Harvard Law School. And what we're using is a concept of the Truth and Reconciliation Commission by Nelson Mandela and Bishop Tutu. And I have written a paper on it, I presented it at NYU Law

School, with Representative John Kiners there. [16] The model is a simple, basic one. It is as [17] [18] old as your nose – as plain as the nose on your [19] face. There is a lot of history of it. But it goes [20] down to personal accountability, Dale. And what we [21] want to do is create a laboratory, with immunities, [22] for the plaintiff that's not looking for money but [23] simply for his dignity or her dignity to be [24] restored, and for the respondent that really wants

In that context, I think you said that the [3] [4] average per investigator annual case loads was like [5] 200 or 250 something, I happen to remember. If you [6] compute that into number of days, it is about one case resolution per day. Now, that's what begins to concern me a ···

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little, because I do remember several state agencies [10] saying that upward of an annual case load about 70 [11] to 80, if you exceed 80 to 90, then things are [12] becoming dysfunctional. And then I say, what does [13] this mean? You just process mechanical, not pay [14] attention to substance of issues, and there is a lot of hidden costs there?

So my question to you is, I'm sure you have [17] thought about that, so in light of this impressive [18] processing, do you have any concerns or comments as [19] to quality of processing?

MR. JENKINS: Ask him for a check. [20]

COMMISSIONER WALKER: My Cuba Gooding [21] [22] impersonation is "Show me the money." What we're doing, that figure, that closing

[24] figure consists of all the cases that we were able

Page 230 in be the case that the better you do, the harder it's [1] to resolve before we - it consists of everything. [2] We brought a whole dynamic of resolution from the going to be in the future. What are the numbers [3] minute the case comes into the door, so our intake [3] looking like in terms of the annual filing of [4] people are trying to resolve the case, our [4] cases? **COMMISSIONER WALKER:** You're precisely [5] investigators are trying to resolve the case, all in the way through the investigator stages we're ig right. It's a Catch-22. You're a social scientist, but I think you're a legislator, because that's the considering fact finding. Someone mentioned something, I had a case, 181 attitude that a lot of them have. They look at our [9] and this is kind of dirty on my part, but forgive 191 numbers, and they say, "Well, what's the beef? Why me, you use what it takes. I had a case of public [fo] are you asking for more money?" You know, we are operating with the same [11] accommodations. It happened in the western part of [11] [12] the state, a dental office, they refused to take [12] staff and doing the same things, but, yes, quality [13] someone, allegedly because she said she was HIV. [13] suffers. You're damned if you do, you're damned if [14] And it was a husband and wife dental team, and it [14] you don't. If you create a backlog, as Clarence 1151 didn't settle. You would think it would settle. It [15] Thomas did with the EEOC, you're deemed a failure, [16] didn't settle. The demand was not that great, and [16] and what he did was he created investigations of [17] it was going to go to public hearing before me. [17] every single case, 100,000 cases backlogged in one And I was at a prehearing conference with [18] year. [18] DR. BLANCHARD: What I'm wondering about [19] the attorneys, and I was saying, you know, "Why [19] [20] can't we settle this case?" And the attorney for [20] is, if you're processing cases good, and you're [21] the dentists said, "Everyone knows she's a [21] doing it well, from the plaintiff's point of view, [22] prostitute. No telling how many people she's [22] then I would predict that more plaintiffs should [23] infected." I said, "Okay. That sounds like it's [23] come and file cases. If you're just processing [24] going to be an interesting case to try." [24] through cases - I'm trying to follow up Ki-Taek's

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And I turned to my law clerk and said, [2] "Make sure this is a public hearing. Make sure you [3] let the cable access channels know about this. Make [4] sure the television stations know about this case. [5] This is a public hearing. We're going to have the [6] public here while we try this case." The case [7] settled. So I'm saying that you use all the [8] [9] mechanisms to try to mediate and resolve a lot of [10] cases before, and yes, my investigators are on an [11] incredible - and I say these figures with a large [12] degree of humility and frustration, so I'm hoping [13] that you can encourage - as President Clinton is [14] taking the lead in increasing the budget for EEOC by [15] 17 percent, and for HUD cases, I think 73 percent [16] was the increase for HUD. DR. BLANCHARD: Can we follow up the [18] numbers a little bit. I'm a social scientist, and [19] certain things have meaning for me more than a [20] gestalt, but what is happening to the new cases [21] filed? If you're perceived as effective, well, [22] maybe you should be getting more cases filed. If [23] you're perceived as a place that I don't get

Page 233 [1] argument or at least question. If people are [2] perceiving that they aren't getting remedies, then. 191 your future case load should go down, and my [4] question is, well, which way is the filing number [5] going? **COMMISSIONER WALKER:** It is stabilizing [6] now. And in fact we took in fewer cases in '97 than 18] we did in '96, '95, '94. We have been experiencing in [9] like a 3, 4, even a 12 percent increase; now it's [10] stabilized and even taken a slight drop: MS. MENDEZ: I think the numbers are kind [11] [12] of misleading because in Massachusetts you can't [13] file a discrimination claim unless you go through [14] the MCAD. So the fact that the numbers have leveled [15] out is not an indication that there is less [16] discrimination, but it's an indication that there [17] are - there may be more discrimination out there, [18] and people just don't know how to process it. : COMMISSIONER WALKER: Remembers when the [20] sexual – what caused sexual harassment cases to go [21] up, anyone can name that incident. Anita Hill, [22] 1991, and took out the World Series. It took out [23] the World Series, the hearings did, and sexual [24] harassment cases went through the roof. People

[24] remedies, then maybe my cases are - so it should

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[1] started filing up the wazoo, so people respond to	[1] MR. QUINAN: My name is Rob Quinan, and I
[2] the media attention stuff.	2 serve as cochair of the Mass. Lesbian and Gay Bar
[3] People will file with the agency. I mean,	300 Association, which is an organization of about
[4] five years ago we had 2,000 cases filed with the	[4] gay and lesbian attorneys across Massachusetts.
[5] MCAD.We're up to 5,000. And the rub on us is not	[5] My question is – I'm also an Assistant
[6] being able to close them out within three or four	[6] Attorney General, by the way – my question is
[7] years. We finally did a few things, with mediations	m whether the Massachusetts Advisory Committee,
[8] and resolutions, and that's what we're working on	[8] whether it is within the jurisdiction of the
[9] now.	Massachusetts Advisory Committee to examine the
[10] MR. KINAN: There is a guaranteed way that	[io] the laws in Massachusetts impinge on the civil
[11] cases will reduce, but it won't happen unless there	[11] rights of gays and lesbians, given that although we
[12] is accountability and responsibility, because in	[12] have a civil rights law here in Massachusetts that
[13] cases where there are findings of discrimination,	[13] explicitly protects gays and lesbians, there is no
[14] nothing happens to the manager or supervisor who	[14] such law on the federal level that explicitly
[15] committed that. But if there was responsibility and	[15] protects gays and lesbians.
[16] accountability, those cases would – I would tell	[16] DR. BLANCHARD: The answer is as
[17] you they would half in record time. There is no	[17] straightforward as you put the question. As our
[18] responsibility and accountability, and I work for	[18] materials describe, there is no federal legislation
[19] the federal government, and I see it happen all the	[19] that I understand to be that way that ensures the
[20] time.	[20] civil rights of gays and lesbians.
[21] MS. MENDEZ: I just want to take a question	[21] MR. QUINAN: So you have no jurisdiction to

organization of about 300 across Massachusetts. Iso an Assistant way - my question is tts Advisory Committee, urisdiction of the Committee to examine the way s impinge on the civil s, given that although we re in Massachusetts that nd lesbians, there is no evel that explicitly answer is as it the question. As our is no federal legislation at way that ensures the sbians. MR. QUINAN: So you have no jurisdiction to 1221 examine the laws that -DR. BLANCHARD: I can turn it over to [24] Ki-Taek in a minute, but not in terms of the mandate

Page 235 DR. CHUN: I do have another question. [1] MS. MENDEZ: Okay. [2] DR. CHUN: The theme of the second half of [3] [4] the panel is enforcement of law, and in so many different ways, you didn't comment on what outreach and success as to whether, in your respective fields, housing, employment, and so on, whether you feel existing civil rights laws are enforced properly, adequately, inadequately, or what. I make the question for every panelist. [101] COMMISSIONER WALKER: I'll start first. [11] [12] Not effectively. JUSTICE CHIN: Well, as I said before, in [13] [14] the cases I've seen, I've seen both private [15] attorneys, I've seen the Attorney General's Office, [16] and I think that they're doing a good job. I think [17] I've seen that there is more emphasis on civil rights than years ago when I practiced law. But I think the bad part is that since [19] [20] being a legal services lawyer, I know that these [21] groups don't get any money. You know, they should [22] be funded and they should be encouraged. But that's [23] how I see it. I see that those cases that get [24] litigated are done properly.

[22] here from Rob, and then we had Vicki Hill as a

231 speaker, and right after Rob's question we'll do

[24] that.

ill that we operate under. DR. CHUN: I think our chairman has stated [3] it correctly. The enabling statute for the [4] Commission does prohibit the Commission and by [5] extension the committees to investigate matters [6] related to sexual orientation. The only issue you can make vis-a-vis the [8] area that you are referring to is administration of "... [9] justice. If there is an allegation of disparity or [10] unequal administration of justice on the ground of [11] sexual orientation and so on, then you could provide [12] a handle, but it has to be really argued and [13] established. MR. QUINAN: I must say I find it distressing that gays and lesbians really are [16] second-class citizens here, that we don't have the [17] protection, you know, in the federal legislative [18] arena. And I guess obviously I don't fault you at [19] all; I'm just making the observation that we really [20] are second-class citizens in this area. MS. MENDEZ: Erin has a response. [21] MS. KEMPLE: One of the things that I've

[23] always wanted to try, but I've never tried it, is to

1241 bring a federal case on gender discrimination for

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Page 238 [1] gays and lesbians, because it seems to me that, in [2] the housing context, when a man and a woman go look [3] at an apartment, they are either given it or they're [4] not given it, but they're not said no to because he [5] is a man and you are a woman, they're given the [6] apartment. However, two people are denied apartments 171 if they're a same-sex couple because of their sex. 191 because of their gender, not because of - so I've [10] never tried it, but I keep wanting to find the [11] attorney that will bring that case. And that, I [12] think, is also a way for the U.S. Civil Rights [13] Commission, both here and in the United States, to [14] deal with this issue. It's a gender discrimination [15] issues in some ways, as far as I can see. MR. QUINAN: And I would commend to you [16] [17] perhaps the analysis of the Hawaiian Supreme Court. MS. KEMPLE: Right. f181 MR. QUINAN: And the Alaska Court that [19] [20] recently found that the act of a state depriving two [21] men or two women of a marriage licenses is sexbased discrimination. [22] MS. MENDEZ: Victoria. [23] MS. HILL: I'm sort of wearing two hats [24]

[1] homes, human service programs, social service [2] programs. One of the issues that our office is very [4] involved in is around the issue of the requirement [5] for furnishing interpreting services. We require [6] that any agency that receives money from HHS must [7] furnish interpreters. We say that not to do so is a 181 violation of Title 6 of the Civil Rights Act, which [9] prohibits discrimination because of national [10] origin. Therefore, if someone goes to a hospital, [11] to a social service agency, and is told, "Oh, you've [12] got to bring your own interpreter. Come back with [13] an interpreter," that's illegal, and they cannot do [14] that. They must provide interpreters. This is an [15] [16] area that we're getting into being involved in more [17] and more as people are beginning to realize that . [18] they have that right to require interpreters; to ask! [19] for interpreters. If you or people in the agencies for whom you advocate run into situations like this. [21] please call us, let us know. We're not out there.

We just last year signed an agreement with

[23] the Massachusetts Department of Transitional

[24] Assistance to furnish interpreters in a case that

Page 239 [1] today. One of my hats is as a civil rights [2] investigator at the Office for Civil Rights at the [3] U.S. Department of Health and Human Services, and I [4] really came here to remind people who are here that there is another federal avenue. [5] Each federal agency has within it some kind [6] of a civil rights office. Ours happens to be called [8] the Office for Civil Rights, as is the one in [9] Education called the Office for Civil Rights.At [10] HUD it's the Office of Fair Housing and Equal [11] Opportunity. But each federal agency is required to [12] [13] enforce the federal civil rights regulations which [14] prohibit discrimination because of race, color, natural origin, disability, age, sex, and so forth. [16] And remember that you do have another avenue, those 117 of you who are civil rights advocates, that you can [18] turn to. In our case, we're the Office for Civil [20] Rights at the Department of Health and Human [21] Services. Therefore, we have jurisdiction over any [22] agency or program that receives money, federal money [23] from HHS. That for the most part tends to be [24] hospitals, health care institutions, nursing

[1] was brought to us through Greater Boston Legal [2] Services, an agency with whom we work, because 3 someone had come to them and had gone to get [4] assistance at a DTA office and were told, "Come back [5] with an interpreter," and we said, "No, you can't do [6] that." They now have put policies and procedures in place whereby they furnish interpreters at no charge. [8] to the person involved. And as I said, the same thing goes for *. [10] hospitals and so forth, so please remember that. It [11] also would affect schools with the Department of [12] Education, For example, issues of public access [13] would be discrimination because of disability. If [14] you're trying to get into a facility that is funded [15] by Health and Human Services or by the Education [16] Department or by HUD, and you can't get in, go to [17] the federal agency and say, "I have a problem here, [18] I want to file a complaint." This is an access open-[19] to you. Can I just for one minute put on my other [21] hat. I've been a longtime volunteer advocate in [22] civil rights, and I've worked for many years with an

[23] organization called the South Shore Coalition for

[24] Human Rights, which is involved - which was formed

22 deucation and employment, because we felt that all	, I would like to thank Amy DeMinici ing this together. (Applause)	Page 24
Sign of the issues were important and one did impinge on the there, in the South Shore area, which kind of the other, in the South Shore area, which kind of the includes Quincy, Randolph, Braintree, Weymouth and the includes Quincy, Randolph, Braintree, Weymouth and the full-time jobs, but it to live the accomplish of things that we're very proud of being able to accomplish things that we're very proud of being able to accomplish things that we're very proud of being able to accomplish, only because of help from many of the page of the pround of the proud of the proon and the propose of the proon and the propose of the proon and the people here tonight. The Massachusetts Supreme to the proon and the proon		
43 the other, in the South Shore area, which kind of sincludes Quincy, Randolph, Braintree, Weymouth and stata area. 74 And in that agency, which was all stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutneters – we had other full-time jobs, but it stoutnets by substance in things that agency – we were able to accomplish of the commission Legal Services (1911) [1912] [1913] [1914] [1915] [1	T 1 1 1 1 1	
includes Quincy, Randolph, Braintree, Weymouth and and that area. 7 And in that agency, which was all wolunteers – we had other full-time jobs, but it was a volunteer agency – we were able to accomplish things that we're very proud of being able'to the proud of the pr	I would like to ask that you stay with	
Stata area.	efreshments after this. Thank you.	
And in that agency, which was all problemeters – we had other full-time jobs, but it was a volunteer agency – we were able to accomplish things that we're very proud of being able to accomplish, only because of help from many of the people here tonight. The Massachusetts Supreme Court, people from the Greater Boston Legal Services committee helped us, MCAD over the years was committee helped us on things. We're very fortunate in Massachusetts to committee for Civil Rights Under the Law phelped us on things. We're very fortunate in Massachusetts to committee for Support from the civil rights committee for support from the committee for support from the civil rights committee, for being here, giving up a very good saturday to be here. MR. JUNG: Well, I've got to say it's been committee, for being here, giving up a very good saturday to be here. And I would also like to remind everyone committee, for being here, giving up a very good saturday to be here. And I would also like to remind everyone committee, for being here, giving up a very good saturday to be here. And I would also like to remind everyone committee, for being here, giving up a very good saturday to be here. And I would	ereupon the conference was	
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MR. JUNG: Well, I've got to say it's been a very invigorating day. I would like to thank everyone on behalf of the Commission, the Massachusetts Committee, for being here, giving up a every good Saturday to be here. And I would also like to remind everyone that we're putting together a civil rights organization directory, and we're going to do that with the registration form you folks filled out today. So if you forgot to fill it out, or filled it out but didn't give it to the person at the	Carol H. Kusinitz	
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