

LIBRARY  
U.S. COMMISSION ON CIVIL RIGHTS

WEST VIRGINIA ADVISORY COMMITTEE  
TO THE  
U.S. COMMISSION ON CIVIL RIGHTS  
COMMUNITY FORUM

Thursday, April 20, 2000  
Embassy Suites Hotel -- Salons A/B  
300 Court Street  
Charleston, West Virginia 25301

ORIGINAL

CCR  
3  
Meet.  
356

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

## I N D E X

COMMITTEE MEMBERS:

GREGORY HINTON, Chairperson  
West Virginia Advisory Committee

MARC D. PENTINO, Civil Rights Analyst  
USCCR Eastern Regional Office  
Washington, D.C.

DEBRA HART  
Office of West Virginia Advocates

NORMAN LINDELL, Deputy Director  
West Virginia Human Rights Commission

ARTHENA SEWELL ROPER  
West Virginia University Extension Service

RANJIT MAJUMDER, Morgantown  
West Virginia University

JOAN HAIRSTON, Director  
New Empowerment for Women in Logan

OPENING REMARKS:PAGE:

GREGORY T. HINTON

4

WELCOME STATEMENTS:

HON. JAY GOLDMAN  
Mayor of Charleston

9

COMMUNITY LEADERS AND CIVIL RIGHTS ADVOCATES

Moderator: Athena Roper 10

Hillary Chiz, Executive Director 10  
West Virginia ACLU

Homer Davis 15  
Charleston NAACP

Sherwood Brown 17  
Marvin Smoots 19  
Raleigh County NAACP

Jason Huber, Esquire 20  
Foreman and Crane

COMMUNITY LEADERS AND CIVIL RIGHTS ADVOCATES PAGE:

James E. Murray 54  
Allen Chapel A.M.E. Church

STATE AND FEDERAL OFFICIALS/POLICE ORGANIZATION REPRESENTATIVES

Moderator: Norman Lindell 89

Darrell V. McGraw, Jr. 90  
West Virginia Attorney General

Chuck Miller 97  
U.S. Attorney's Office, Charleston

Captain Steve Cogar 101  
West Virginia State Police

Tom Rodċ, Esquire 108  
Senior Law Clerk, for West Virginia Supreme  
Court of Appeals Justice Larry Starcher

CITY OF CHARLESTON POLICE DEPARTMENT

Chief Jerry Riffe 117  
Charleston Police Department

David Stewart 176  
West Virginia Advocates

OTHER CIVIL RIGHTS ISSUES IN THE CHARLESTON AREA

Moderator: Debra Hart 180

Barry Bowe, Principal 181  
Chandler Elementary School

Alfonso Heyliger 185  
Ministerial Alliance, Charleston

Romona Taylor Williams 190  
REDEEM, Charleston

OPEN SESSION:

Erica Collier 195

Jarrick Hall 196

Isaiah White 199

Roosevelt Junior High School

## P R O C E E D I N G S

(12:10 p.m.)

1  
2  
3 MR. HINTON: Good afternoon. On behalf of the  
4 West Virginia Advisory Committee to the U.S. Commission  
5 on Civil Rights, I welcome state officials, community,  
6 religious leaders and the public to the community forum  
7 to address police/community relations and civil rights  
8 issues in the State of West Virginia.

9 We have invited panelists to address what, if  
10 any, progress has been made in policy/community relations  
11 in light of recent events, outreach programs  
12 municipalities can use to increase police involvement  
13 within the community, training opportunities, recruitment  
14 efforts for new minority officers and approaches to curb  
15 police misconduct and respond to complaints against  
16 police officers.

17 Today's forum also includes a discussion of the  
18 work by various community organizations in fostering  
19 better race relations and responding to the needs of area  
20 residents.

21 This is our third of five forums to be  
22 conducted across the state. Last summer we held a forum  
23 in Morgantown to look at employment of minorities in area  
24 school systems, incidents of racial harassment against  
25 minority persons and problems encountered by persons with

1 disabilities.

2 In November of '98 we went to Logan to gather  
3 information on Equal Employment Opportunity in the coal  
4 mining industry, police/community relations and racial  
5 tensions in secondary schools, areas of concerned  
6 identified in our 1995 report.

7 The Committee also published a 1993 report  
8 regarding police misconduct, recruitment, hiring and  
9 promotion of minorities and female officers and cultural  
10 sensitivity training for police officers.

11 That report's main focus was on how the  
12 complaint systems in place in West Virginia were  
13 incapable of handling the various forums of misconduct  
14 and civil rights violations. Among its recommendations,  
15 the Committee believed that a civilian commission should  
16 be used to assess the need for a review board. The  
17 Committee has since filed a Legislative Development with  
18 regards to this issue.

19 The Committee will conduct similar forums in  
20 other regions of the state so that we may gain a  
21 perspective on various problems unique to each particular  
22 area.

23 Based on what we find from these community  
24 forums, the Committee will prepare a report informing the  
25 U.S. Commission on Civil Rights and the public of our

1 findings and recommendations which will be distributed  
2 widely throughout the state.

3 I wish to briefly describe this Committee in  
4 its relations to the Commission. The Commission on Civil  
5 Rights is a fact-finding agency within the Executive  
6 Branch of Government. The Commission has established  
7 advisory committees in each state and the District of  
8 Columbia, with members appointed by the Commissioners who  
9 serve without compensation.

10 The Committees advise the Commission on  
11 information concerning discrimination or denials of equal  
12 protection of laws based on race, color, religion, sex,  
13 age, handicap or national origin or in the administration  
14 of justice and receive reports, suggestions and  
15 recommendations from individuals, the public and private  
16 organizations and public officials up on civil rights  
17 matters.

18 Before we begin, please feel free to take  
19 copies of items on the back table of certain publications  
20 we have released. These include today's agenda, copies  
21 of Committee reports, biographical information on our  
22 Committee members and a catalog of publications by the  
23 Commission and other advisory committee prior work.

24 By all means, there's a sign in sheet. We'd  
25 hope that each person who attends today would put their

1 name and their address that they're attending and we will  
2 put you on our mailing list and when we have things that  
3 we send out, you will be included on that mailing.

4           There will be an open session for the public to  
5 make statements to the Committee on the record. If you'd  
6 like to make a statement, please register your name with  
7 our staff person, Marc Pentino, the gentleman on my far  
8 right. Time permitting, we will do our best to  
9 accommodate your presentation. We are required to  
10 provide protection against defamatory and degrading  
11 comments, therefore we will interrupt and limit  
12 presenters who make defamatory or derogatory comments  
13 regarding particular individuals.

14           We will keep the record open until May 19, 2000  
15 for additional comments and material you would like for  
16 us to have. We may also contact you at a later date to  
17 clarify any points raised or to supplement your own  
18 inquiry.

19           With that said, we'd like for the other members  
20 to introduce themselves before we start our first panel.  
21 I'll begin at my far right.

22           MS. HART: Good afternoon. My name is Debra  
23 Hart and I am from Charleston, West Virginia and I've  
24 been in the arena of civil rights for 12 years, presently  
25 with the Office of West Virginia Advocates.

1 MR. LINDELL: My name is Normal Lindell, I'm  
2 from South Charleston, West Virginia. I've been in the  
3 arena of civil rights for 22 years and I'm currently the  
4 Deputy Director of the West Virginia Human Rights  
5 Commission.

6 MS. HAIRSTON: I'm Joan Hairston, I'm from  
7 Logan, West Virginia. I've been doing this for about 22  
8 years and I am Director of New Empowerment for Women in  
9 Logan.

10 MS. ROPER: Good afternoon. My name is Arthena  
11 Sewell Roper, I'm from Charles Town, West Virginia, it's  
12 in Jefferson County. I'm an educator with West Virginia  
13 University Extension Service.

14 MR. MAJUMDER: I am Ranjit Majumder, I am a  
15 professor at West Virginia University. My primary  
16 responsibility is to assist in preparation of the  
17 students for working with people with a disability and  
18 doing studies for enlarging and enhancing the quality of  
19 life for people with disabilities.

20 MR. HINTON: And of course, I'm Gregory Hinton,  
21 the Chair of the Advisory Committee. We had invited  
22 others to come to give opening remarks, but the only  
23 person I see is the fine Mayor of Charleston, West  
24 Virginia, Jay Goldman, and we'd like to turn to him to  
25 give us some opening remarks.



1 MR. GOLDMAN: Thank you, Mr. Hinton. It's good  
2 to have this organization here today and the questions  
3 that were asked of me (inaudible) I'll try to address in  
4 my opening remarks.

5 The City of Charleston has been very proactive  
6 in most of the areas that were addressed. (inaudible)  
7 goes back to the Charleston Police Department, who is  
8 involved with the Citizens Police Academy, the Citizens  
9 Police Academy Alumni Association, Neighborhood  
10 Assistance, Neighborhood Watch Coordinating Committee,  
11 Night Owls & Friends, Citizens (inaudible), Charleston  
12 Public Safety Council.

13 We also have the (inaudible)

14 MR. HINTON: Very good. Thank you. If you're  
15 listed for our first panel, we'd like for you to please  
16 come and take a seat over here where the mirror is.  
17 Reverend Davis, has he arrived? I know Reverend Murray  
18 will be here, he's a little late. Sherwood Brown? I'm  
19 assuming the good looking gentleman -- are you Mr. Huber?

20 MR. HUBER: Yes, sir.

21 MR. HINTON: Okay. While they're getting  
22 organized there, it's good to see the Attorney General,  
23 Mr. McGraw, with us today. Mr. McGraw, will you be here  
24 this afternoon for our afternoon panel?

25 MR. MCGRAW: At 2:00.

1 MR. HINTON: Okay, good. It's always good to  
2 see you.

3 MR. MCGRAW: Thank you.

4 MR. HINTON: Our Committee member Arthena  
5 Roper, will be the moderator for our first panel and I'll  
6 now turn the program to her hands and she'll give you  
7 guys marching orders.

8 MS. ROPER: To respect our time line, if we  
9 could keep comments to about 12 minutes apiece, just in  
10 case some of our other speakers or guests come in, we'd  
11 like to respect them and give them time and stay on task.

12 At this time we'll hear from Hillary Chiz,  
13 Executive Director of the West Virginia ACLU.

14 MS. CHIZ: Thank you. I am the Executive  
15 Director of the ACLU of West Virginia. I've been here  
16 for six years in West Virginia and as Director of the  
17 ACLU (inaudible), the other two places being Mississippi  
18 and Georgia. (inaudible).

19 I think it's fairly widely known that the ACLU  
20 keeps statistics on police misconduct and that those  
21 statistics range from I didn't like the way the officer  
22 talked to me all the way to allegations of police  
23 brutality.

24 We keep those statistics for (inaudible), for  
25 city law enforcement, for county sheriffs, as well as for

1 the state police and we've been doing this for about four  
2 and a half or five years.

3 We do not make it easy for people to complain  
4 to the ACLU. For example, you cannot just call the ACLU  
5 and get a response. We require that people write a  
6 letter to us, thinking that adding that additional hurdle  
7 will allow people to gather their thoughts, to get them  
8 in some sort or order and bring them to us in a more  
9 organized fashion.

10 I will say that in that role as a sort of  
11 monitor or watchdog, if you will, of police relations, I  
12 have developed some very fine relationships with police  
13 officers at those various levels of city, county and  
14 state police all over the state and I'm really happy for  
15 those relationships.

16 But I will say that we continue to get a  
17 staggering number of complaints from people. Some of  
18 them, as I said, are fairly trivial and even though I  
19 know, for example, that the State Police Manual has as a  
20 standard that police officers should speak in a  
21 particular way, in a professionally courtesy way and that  
22 they should look a particular way. We don't pay much  
23 attention to those kinds of complaints. We do log them  
24 in and I'm not going -- I will say right now I'm not  
25 going to talk to you at all about the Charleston City

1 curfews, I'm going to make those remarks to someone else.

2 But with regard to race relations, considering  
3 that the race statistics are as they are in West Virginia  
4 and even in Charleston, where they are a lot higher, and  
5 I would quibble, I would think, with the 5 percent that  
6 Mayor Goldman spoke to in the City of Charleston, I think  
7 he's wrong. We've always guessed that it's about 13 or  
8 14 percent.

9 With regard to race statistics, it does seem to  
10 be skewed in that police relations or police comments of  
11 racial minorities are at a higher proportion than those  
12 of whites, but we get a huge number of complaints by  
13 white people as well and I want to talk about that  
14 because I think there is a real fundamental issue going  
15 on and that is that there seems to be what I call a  
16 disconnect that is about 180 degrees off between the  
17 public and law enforcement and that is that invariably  
18 when we talk to law enforcement, over TV or hear law  
19 enforcement's comments, they talk about respect for the  
20 uniform and respect for the badge, et cetera. They also  
21 talk about authority.

22 I have not once in the 16 years that I've been  
23 working for the ACLU heard the public devote respect or  
24 authority for law enforcement, so I would say that if law  
25 enforcement is thinking that that is something that the

1 public should have, that we really need to come to the  
2 table and talk about that and that's what I'd like to do,  
3 to propose some solutions or work with law enforcement on  
4 ways that we can bring about better community/law  
5 enforcement relations.

6 I will say that the ACLU has acted as a  
7 watchdog in several capacities. We brought to the  
8 public's attention problems in the Broomfield City Police  
9 Department far sooner than the most widely publicized  
10 incident. We tried to shine a light on what was  
11 happening, but we have criticized and are on record as  
12 criticizing the particular state police detachment in  
13 Beckley long before the most recent brutality incident  
14 occurred.

15 We had drawn attention to the problems in the  
16 Huntington Police Department long before last week's  
17 incident occurred in which a young man was shot in the  
18 back.

19 And we have drawn attention to problems that we  
20 though were happening in the Charleston Police Department  
21 long before an officer had to leave because of a  
22 particularly brutal attack on a citizen that happened to  
23 be witnessed by people.

24 It's more likely that when we call attention to  
25 law enforcement and when we actually file suit, that

1 stranger things happen. For example, in the instance of  
2 the police officer from the -- a state police officer  
3 from the Beckley detachment, we brought a lawsuit and the  
4 particular officer left, left the state, would not  
5 return, left the employment of the state police, we  
6 couldn't find him, so that was a clever way to avoid  
7 liability.

8 But I will say that we do have that  
9 information. The public knows that it can call us, the  
10 public knows (inaudible) and they expect that we will be  
11 there speaking for them and I would encourage the public  
12 to continue to do so because we will take that  
13 responsibility on.

14 So I'm hoping that we will go forward from this  
15 meeting and others with a real effort to try to talk  
16 about what I call the disconnect, which is that police  
17 officers are expecting respect from the public and I  
18 think the public expects and deserves respect from law  
19 enforcement. Thank you.

20 MS. ROPER: Thank you, Ms. Chiz. I would just  
21 remind the public that if you have questions or comments,  
22 time permitting, we'll discuss them at the end of this  
23 session, so if you could just write them down and hold  
24 those until then, we'd appreciate it. There's a pad and  
25 paper in the back if you need something to write with.

1           At this time we'll hear from Reverend Homer  
2     Davis of the Charleston NAACP. Reverend Davis, we have  
3     about 12 minutes.

4           REV. DAVIS: I probably won't need 12 minutes.  
5     Thank you very much. I apologize for being a little  
6     tardy, I was in another meeting and couldn't get here any  
7     sooner.

8           After studying your information, your letter  
9     outlining what you hope to accomplish in this meeting, I  
10    have to make a disclaimer, the fact that Branch 3226 of  
11    the NAACP is really sort of a watchdog civil rights  
12    organization and we come into the picture 99 percent of  
13    the time after the fact, after some violation of civil  
14    rights or human rights, and perhaps cannot address the  
15    substance of what you're asking for here, except to talk  
16    about the problems, as we know them, experienced with the  
17    police department in Charleston, West Virginia that  
18    relates in particular to the treatment (inaudible) of  
19    African-Americans.

20           That is not a very good picture, granted, for  
21    the City of Charleston. At the present time, just  
22    referring to the statistics, there are no African-  
23    American captains on the police force, there are no  
24    lieutenants, there's no sergeants and there have been  
25    historically persons in these ranking positions, in fact

1 there has been in the past African-American presence as  
2 the Chief of Police in Charleston.

3 It seems like there's a digression of equal  
4 opportunity when it comes to the police department in the  
5 City of Charleston. We do have four African-American  
6 corporals on the police force and two of them are very,  
7 very, very recent promotions.

8 And of course one of the inhibiting factors  
9 there to getting African-Americans in higher ranking  
10 positions on the police force is the requirement of two  
11 years on the job before eligibility to take the promotion  
12 examination. We have problems with that requirement.

13 Just what the report, the annual report  
14 reflects to us is glaring evidence of a lack of equal  
15 opportunity for African-Americans in the protective  
16 service of Charleston, West Virginia.

17 The same is true of females, there are only  
18 three female officers out of 135 officers, three female  
19 African-Americans on the police force.

20 There are areas of the report that are blank  
21 that really concern the NAACP. The professionals, out of  
22 16, there are zero African-Americans and zero black  
23 women. So we have an ongoing concern with the absence of  
24 African-Americans in significant roles with the  
25 Charleston Police Department. Thank you very much.



1 MS. ROPER: Thank you, Reverend Davis. At this  
2 time we'll hear from Sherwood Brown and Marvin Smoots,  
3 both of the Raleigh County NAACP. You have a little bit  
4 more time since there are two of you, but go ahead.

5 MR. BROWN: Thank you. I'm Sherwood Brown and  
6 with me is Marvin Smoots with the Labor Committee to the  
7 Raleigh County NAACP. Our main concern is and some of  
8 the things that we have tried to do to correct the  
9 problem, our problems are the same as Reverend Davis.

10 You have in the State Police maybe 50 police  
11 officers, out of the 50 you probably have three blacks,  
12 you've had two blacks that have been on there for the  
13 last 25, you've hired one in the last 20 years. The  
14 Sheriff's Department has hired maybe one black police  
15 officer in last 15 years.

16 Our major problem in Beckley is basically  
17 getting young blacks to take the civil services training.  
18 While there is (inaudible) to take the exam after they  
19 see what those black officers already on the force go  
20 through to try to maintain their jobs, of the harassment,  
21 of the denial of promotions, which I see at this time  
22 Charleston has the same problems, basically trying to get  
23 those young men concerned about that, concerned in  
24 getting into law enforcement (inaudible) now.

25 We met with the Chief of Police in Beckley a

1 couple months ago to set up a program with maybe schools.  
2 We wanted to set up a school starting with young people  
3 in the age of junior high that maybe plan to or want to  
4 be police officers and we start working with them at that  
5 age. We tried to get that school setup and get started  
6 with it, but we have very few young blacks (inaudible)  
7 law enforcement and maybe it's because of discrimination.

8           It seems to be to me a pattern. Charleston has  
9 the same problems that Beckley has (inaudible). Being an  
10 ex-20 deputy myself with the Raleigh County Sheriff's  
11 Department, the major problem I see lies within  
12 promotions, like what he's discussing now.

13           It seems to be a fact that even the  
14 administrative (inaudible) Anglo-Saxon police officers do  
15 not want to be supervised by blacks, therefore black  
16 officers have very few chances of even getting any  
17 promotions.

18           The two 30-year police officers with the  
19 Beckley PD I think the highest rank they've had was  
20 sergeant. They've had Anglo-Saxon police officers come  
21 on and in four years outrank them. We've had now -- they  
22 claimed that one officer (inaudible), he's been on the  
23 department for 25 years, in fact he's ready to retire.  
24 He was in the position as Chief of Detectives, but they  
25 would not promote him to lieutenant. (Inaudible) should

1 be a lieutenant colonel, but they will not give him those  
2 promotions. (Inaudible.)

3 (Inaudible) starting with young people, like I  
4 say, through the high school age or the junior high age  
5 who would maybe want to be a police officer, but they're  
6 not exposed, especially the black students. We have very  
7 few young black people that are exposed to law  
8 enforcement, therefore they don't know anything about it,  
9 they want to even be bothered with it because the only  
10 time they see a police officer is when he's coming to get  
11 them and take them down to jail.

12 We're trying the schools, the young school  
13 things and some of the (inaudible). I'm hoping that  
14 maybe this school thing will change things around.  
15 That's one of the problems that we have, that we receive  
16 complaints about, that when they had these 200  
17 (inaudible) take the civil service exam, out of that 200,  
18 they get eight blacks. None of them ever makes a high  
19 enough score (inaudible).

20 MR. SMOOTS: Good afternoon. My name is Marvin  
21 Smoots and I am a member of the Raleigh County NAACP  
22 (inaudible).

23 Just to mirror what Mr. Brown has said in  
24 reference to police hiring, I've served on several  
25 committees from a community activist standpoint involving

1 recruiting applicants for law enforcement agencies and  
2 the thing that I've found most prevalent in my contacts  
3 with these young applicants is the (inaudible).

4 What I think we need to look at is improving  
5 the image of law enforcement within the community and I  
6 think one way to do that is to maybe have the law  
7 enforcement offices more one-on-one contact within the  
8 community, maybe get out of the vehicles more and maybe  
9 walk the beat a little bit more.

10 MS. ROPER: Okay. Thank you, Mr. Brown and Mr.  
11 Smoots. At this time we'll hear from Jason Huber,  
12 Esquire, of Foreman and Crane in Charleston.

13 MR. HUBER: My name is Jason Huber, I'm an  
14 attorney in private practice in Charleston, West Virginia  
15 and right now only 30 percent of my practice is comprised  
16 of representing individuals (inaudible), 70 percent of  
17 the practice that I do involves litigation of police  
18 misconduct cases.

19 I certainly didn't plan that when I came out of  
20 law school (inaudible) but somehow I've turned into -- I  
21 wouldn't dare say an expert, but it seems like that's  
22 what occupies a lot of my time.

23 What I'd like to do is give a few brief  
24 comments about the (inaudible) complaints that I see and  
25 talk about one of the causes that I think contribute to

1 police misconduct and then give some possible solutions  
2 that could help us (inaudible) and also help the police  
3 officers to perform their job on the street.

4           In my practice, most of the complaints that I  
5 see aren't very egregious cases where you have deadly  
6 force or excessive force used against an individual and  
7 they have very serious injuries. I think most of the  
8 complaints that Hillary and I both see and also that are  
9 reported to the ACLU are your slight harassments of  
10 younger individuals and poorer people in poorer  
11 neighborhoods where police officers seem to arbitrarily  
12 exert their authority in trying to investigation a crime  
13 when they don't have probable cause to address or  
14 somebody or they unfairly stopped somebody or to stop  
15 somebody under pretext and entrapment.

16           The bulk of the complaints that I see aren't  
17 these really egregious, highly (inaudible) cases where  
18 high profile attorneys come to Charleston and try and  
19 make some money. They're mostly cases where people come  
20 to me and say this is what's happening to me in my  
21 community, I live in a small rural community, I've been  
22 identified as a bad apple and I cannot get the police off  
23 my back.

24           In some situations there's a legal solution, in  
25 some situations there's a political solution and in some

1 situations there's no solution at all, but those are the  
2 types of complaints that I see the most of.

3           What allows police officers to engage in this  
4 kind of -- and I'm not saying this about all the police  
5 officers, I think there are excellent police officers in  
6 all types of area law enforcement, both in the city,  
7 state and county levels and I have met quite a few of  
8 them, but I think all police officers will admit, just  
9 like lawyers will admit and doctors will admit, there are  
10 bad apples in every bunch and that's what we have to  
11 focus on bringing out.

12           We have to figure out what causes these bad  
13 apples and be able to take over and create this  
14 environment in the community where people don't trust  
15 police officers.

16           One of the most obvious things I see is when  
17 the government passes very vague and arbitrary laws and  
18 the one that I've been most involved with in the City of  
19 Charleston is the curfew. The curfew in Charleston  
20 allows a police officer to approach any young person on  
21 the street during restricted hours, regardless of whether  
22 or not (inaudible) and interrogate them for a half hour  
23 to determine the lawfulness of their activities and what  
24 makes it unlawful is simply their age. (Inaudible.)

25           So here you have a law that grants police

1 officers blanket authority to stop anybody on the street,  
2 even if they're just simply walking down the sidewalk.  
3 That is the kind of law that invites discriminatory  
4 enforcement, it is absolutely unbridled discretion.

5           What would you expect to see from that type of  
6 law in the City of Charleston? Well, every night  
7 (inaudible). But what we found is getting statistics  
8 from the police department is something that's very easy.  
9 I have a copy of the statistics, you can get them from  
10 the police department, they were very cooperative in  
11 providing them to.

12           But up until January 31, 2000 there were 67  
13 encounters between police officers and young people. Not  
14 necessarily even people under 18, which the cut off age  
15 of the program, but young people. Of the encounters, 31  
16 percent, 21 were comprised of African-Americans, almost  
17 10 times, according to Mayor Goldman's statistics, almost  
18 10 times the population, the minority population of  
19 Charleston, so that's a red flag.

20           Now, statistics have faults, these are short  
21 term statistics and I don't know the background of each  
22 encounter, I'll give the police department that, but at  
23 least it warrants investigation and at least it warrants  
24 the Charleston Police Department talking to their  
25 officers about how this order is going to be enforced.

1           The second interesting statistic and the more  
2   troubling is this. Of those 67 encounters, there were 27  
3   arrests, 52 percent of the arrested teens were white  
4   people, 48 percent of the arrests were African-American  
5   -- 48 percent, more than 11 times the population. So  
6   what is that saying to you?

7           If you're approached by a police officer and if  
8   you're a minority or if you're an African-American, you  
9   stand a much bigger change of being arrested than if  
10   you're white.

11           Now break it down by gender. Of the black  
12   males that were approached, 16 of the 67, there were, 24  
13   percent of the criminal encounters were black men, 56  
14   percent, 9 of those African-American males were arrested.  
15   Black females, 80 percent (inaudible).

16           What that tells you is that if you are a  
17   minority --

18           MR. HINTON: Did you way 80?

19           MS. CHIZ: 80 percent were black females.

20           MR. HUBER: That is a red flag that the  
21   Charleston Police Department has got to investigate and  
22   they have got to determine what is the cause of this  
23   disparate and discriminatory enforcement and that's why  
24   the ACLU is so sincere about challenging this case all  
25   the way to the Supreme Court and ultimately, if we're not



1 successful, we intend on bringing (inaudible).

2 That being said, what is it that the community,  
3 the civil rights community and the police departments and  
4 everybody can do to try and cure these problems?

5 I think one is police officers have got to be  
6 paid more money, especially municipal police officers.  
7 They have a very difficult job, there's no doubt about  
8 it. They have got to be paid more money, but the  
9 opposite side of that is they have got to be better  
10 educated and they have to have a higher degree of  
11 professionalism and I think one big factor in that is  
12 increasing the age requirement.

13 I'm not even sure what the age requirement  
14 right now is in the Charleston Police Department. I  
15 think it's 18. What you have, you have a high school  
16 graduate that can go out on the street with a gun and  
17 arrest people and to me, when I was 18 (inaudible), but  
18 that is the kind of thing that you have to look at.

19 The other thing is the civil review authority  
20 and Mayor Goldman is right, there is a Mayor's Civil  
21 Review Authority in Charleston and that might be the only  
22 one in the state, but it does not have subpoena power.  
23 If you do not have subpoena power, civil reviews,  
24 independent reviews are meaningless.

25 If you cannot compel somebody to come before

1 you and give testimony under penalty of perjury, make  
2 findings of fact, make conclusions of law and make  
3 recommendations, then civil review is absolutely hollow  
4 and to this day I do not understand, I think it is  
5 outrageous that every time a bill is introduced in the  
6 State Legislature or every time there is a significant  
7 civil push for independent reviews, every police officer  
8 organization that I know of -- I have yet to see one in  
9 the State of West Virginia take and embrace the  
10 independent review (inaudible) and everyone that I know  
11 of fights it.

12 That is another red flag. Why would people  
13 fight independent review? Lawyers have it, doctors have  
14 it, I even thing beauticians have it, there's an  
15 independent review for beauticians. Why don't police  
16 have it? Why don't the City of Charleston have it with  
17 subpoena powers.

18 There is one more (inaudible) there's a case  
19 that the ACLU litigated in West Virginia that provides us  
20 with some limited review and it was a case that we filed  
21 in connection with some litigation we were doing against  
22 the Charleston Police Department and we filed a Freedom  
23 of Information Act request against the City, targeting  
24 police brutality complaints.

25 What we discovered in the course of that

1 litigation is that the Charleston Police Department had  
2 no systematic way of tracking those complaints. They had  
3 an index card system, it was not identified, cross-  
4 indexed by type of complaint, by officer or by severity  
5 of complaint or by disciplinary action. As a direct  
6 result of litigation that the ACLU brought, the  
7 Charleston Police Department (inaudible). It was a very  
8 good move and it's probably the most up-to-date database  
9 in the state because of this litigation.

10 . They created a database, they identified each  
11 officer by anonymous number, they identified each  
12 complaint, they identified the disposition of the  
13 complaint and they identified the nature of the  
14 complaint.

15 We succeeded before Judge McQueen in getting a  
16 ruling from him that that type of information is in fact  
17 a public document, which is subject to disclosure under  
18 the Freedom of Information Act. I believe that's under  
19 appeal right now in the Supreme Court and I imagine we'll  
20 fight that out in the Supreme Court, too, the ACLU will,  
21 but that is another way that we can independently review  
22 police misconduct, not only in Charleston, but all over  
23 the state.

24 The other thing that's critical is a lot of  
25 times people will focus on legal solutions, but the

1 solution to this is going to be political, it's going to  
2 be (inaudible) and the best thing that people can do if  
3 they are concerned about police misconduct, who really  
4 want increased community relations with police officers  
5 is organize. Get out in the street and organize because  
6 lawsuits and litigation are meaningless without the  
7 movement behind them that supports the goals and if they  
8 do work together, they'll be ineffective.

9           The final thing that people can do is  
10 (inaudible), investigate the cases, make sure they have  
11 merit, if you bring a civil rights case under 1983 and  
12 1988, it does not have to be a large damage case because  
13 they have (inaudible) or if you prevail on liability,  
14 then the government has to pay your attorney's fees.

15           If you are the victim of police misconduct or  
16 if you are concerned about police misconduct and you're  
17 an attorney, take these cases. Time and time again I see  
18 claimant firms saying that they're concerned about  
19 injured people and time and time again I see claimant  
20 firms rejecting civil rights cases and I take cases where  
21 there are no damages, but I believe that they're a strong  
22 liability just because I know that if we prevail, the  
23 government is going to have to pay our attorney's fees  
24 and that was the purpose of 1983 and 1988, which allow  
25 people to vindicate themselves in a court of law when

1 they did not have a very serious injury.

2 I think if you look at the red flags in  
3 Charleston and around the state, if you look at the  
4 remedies and you emphasize independent review with  
5 subpoena authority and some of the other suggestions  
6 about putting more police officers on the street, you can  
7 increase trust in the community and you can increase the  
8 relations between police officers and you can help the  
9 police department weed out the bad apples, because to me,  
10 the police departments should be embracing individuals  
11 like the ACLU (inaudible) that did everything within  
12 their power to target problem officers and eliminate them  
13 from the ranks because that assists in helping everyone,  
14 not only citizens, not only the ACLU, not only  
15 minorities, but also the police officers and that should  
16 be the ultimate goal of the Commission and everybody else  
17 in the country.

18 MS. ROPER: Thank you, Mr. Huber. Phil Carter,  
19 has he arrived? And Reverend Murray? Okay. That  
20 concludes our guests for this portion of our panel. Do  
21 we have any questions from the committee at this time?

22 MR. MAJUMDER: Yes. I'd like to ask Mr. Brown,  
23 you mentioned that the school program could possibly  
24 mitigate some of the issues that you view in the Raleigh  
25 County area, but when you indicated the problems look

1 like advancement and opportunities to moved up, those are  
2 not contradictory, but could you tell me a little bit,  
3 what is the school program supposed to accomplish?

4 Is that to increase the number of young people  
5 that would be interested in police careers? Is that the  
6 idea?

7 MR. BROWN: That's the idea, to give more young  
8 people exposure to law enforcement and to (inaudible).

9 MR. MAJUMDER: But we still have the problem of  
10 how they will move up if they're qualified. Do you have  
11 any suggestion what could be the way that that could be  
12 approached to see that the right kind of qualified black  
13 police officers should be promoted?

14 MR. BROWN: The major problem is that the  
15 blacks who are the police force now and the blacks who --  
16 they have a problem with promotion exams and civil  
17 service exams, they score low on those, so when they're  
18 completing for (inaudible) and there are four blacks and  
19 ten whites taking the exam, the blacks would make the  
20 lower scores, therefore they would not be included in the  
21 promotion.

22 So we're hoping through the school experience  
23 that they will have they will be able to pass those  
24 tests. That's one of the things we're stressing, to give  
25 them an education in how to take civil service exams and

1 to make high scores on them.

2 REV. DAVIS: What about questioning the testing  
3 itself? What about looking at the tests.

4 MR. LINDELL: That's my question, Reverend  
5 Davis. Has anybody validated the test to see if they  
6 demonstrate that they will show if someone is going to be  
7 a good police officer or have the skills or if the test  
8 is culturally bias? Has anybody -- do we know whether  
9 those tests have been validated?

10 MR. BROWN: I believe the test is culturally  
11 (inaudible). When I was at the police academy, going  
12 through the basic training at the police academy, an  
13 instructor from West Virginia State brought up the fact  
14 that there were very few blacks in law enforcement and  
15 one of the young men in the field said well, they can't  
16 pass the test and I said well, the reason they can't pass  
17 the test is because the test is not in a black  
18 vocabulary.

19 For some reason, when she came back she had  
20 written the test in a black vocabulary and I was the only  
21 one that passed the test, so that proves that (inaudible)  
22 if you don't know the meaning of what they're talking  
23 about, you can't answer the questions and I think when  
24 she did that, she proved it. She couldn't believe that  
25 it was a problem, but that basically is one of the

1 problems, because of the vocabulary.

2 MR. HINTON: Does the test vary from agency to  
3 agency or from county to county?

4 UNKNOWN: From city to city.

5 MR. HINTON: So there's no one set test?

6 MR. BROWN: There's no one set test.

7 MS. CHIZ: There is an accreditation or  
8 evaluation committee that evaluates law enforcement  
9 testing for cultural bias and if I'm not mistaken, and  
10 Connie Lewis may have more information, under the former  
11 Mayor of Charleston there was a blue ribbon panel and  
12 they looked the testing mechanism and how to read it and  
13 it was stated that that mechanism or that that test was  
14 evaluated by the agency and was without cultural bias,  
15 but I think it does go back further. I think we do need  
16 to look at the testing instruments to determine what  
17 we're testing (inaudible).

18 As far as recruiting in the City of Charleston,  
19 I understand, I heard Mayor Goldman recount a virtual  
20 litany of places where the Charleston Police Department  
21 had done recruiting and I presume that that was general  
22 recruiting, not just their minority outreach portion of  
23 their recruiting and he talked about sporting events, et  
24 cetera, a huge number of places where recruiting has  
25 taken place.



1 I would like to say that I'm out and about in  
2 the City of Charleston and I have never been to an event  
3 where I noticed that the Charleston Police Department was  
4 recruiting. I'm fairly observant, plus I'm very -- I'm  
5 even more observant of the Charleston Police Department  
6 presence, so -- you know, I'm just speaking as a citizen.

7 I did participate at one point in an effort by  
8 the Charleston Police Department to recruit, but I will  
9 say for myself that I felt like it was a rather short  
10 time or it had a short term goal, the event was in about  
11 a week and I was given some postcards and when the event  
12 took place, there were very few minority recruit beings  
13 there to work. I think every minority on the Charleston  
14 Police Department's staff was there, but there were very  
15 few people, white or black or any color, there for the  
16 event. I just don't think it was very well publicized.

17 There is a way to do -- organizing an outreach  
18 and there are a few of us who are highly skilled in doing  
19 those things and we'd be happy to share those methods  
20 with the Charleston Police Department or any other law  
21 enforcement agency about how you do what I call  
22 affirmative outreach.

23 MR. HINTON: Well, you know, since he said  
24 there's no residence requirements for police officers  
25 here in Charleston, there's other communities they could

1 be recruiting. I didn't hear him say that he was going  
2 out, recruiting people in other places, like Beckley or  
3 Huntington or --

4 MS. CHIZ: I think he mentioned higher  
5 education as a place where he had done some recruiting,  
6 but (inaudible).

7 MS. ROPER: If anyone from the public would  
8 like to ask a question or make a comment, please come to  
9 the mike and we'll address you at that time.

10 MR. HINTON: Reverent Davis would like --

11 REV. DAVIS: I'd like to make a follow up  
12 statement on what Hillary has just said. We, as opposed  
13 to the ACLU, we don't offer assistance to the City in  
14 recruitment. We don't feel that that's our  
15 responsibility, that's their job and we don't want to do  
16 that for them.

17 However, we do watch very carefully what their  
18 recruitment efforts contain and the results therefrom.  
19 We did, in a proactive sense, since Mayor Goldman, who is  
20 the Mayor of Charleston, we did sit down with him and his  
21 staff to try to offer some assistance in terms of getting  
22 the word out into the community.

23 He asked the NAACP if we would draft a letter  
24 for his signature that he would make public through the  
25 media across the valley and our first vice president

1 drafted that letter for him and gave it to him and it  
2 hasn't come out. We've never seen it since we provided  
3 him with that tool.

4           Because it was our believe that as the CEO for  
5 the City of Charleston, if the word went out from his  
6 office that we are an Equal Employment Opportunity  
7 municipality, that we want and we are looking for, we're  
8 anxiously recruiting, if that word went out from his  
9 office through the media channels, then it would be taken  
10 seriously. We gave him that tool, he did not use it to  
11 date. He has not used it to date.

12           I want to say another word before I shut up  
13 about some of the requirements in terms of the  
14 examinations that are given, particularly the physical  
15 fitness examination, which we have problems with because  
16 it doesn't have a darn thing to do with being a police  
17 office. It's not relevant and by one point or one  
18 pushup, you can eliminate persons of color when that  
19 requirement has nothing to do with the job that they are  
20 to perform, so we have problems with that.

21           MR. HINTON: Clarify that. I'm not sure if I  
22 understand what the problem is yet.

23           REV. DAVIS: There's a physical fitness --

24           MR. HINTON: I understand that.

25           REV. DAVIS: -- examination that you have to

1 take and it's easy to cut a person off by when the person  
2 giving the exam determines you're capability --

3 MR. HINTON: There's a subjective evaluation of  
4 their performance?

5 REV. DAVIS: Yes. And we have a problem with  
6 that.

7 MS. ROPER: Could you come to the mike and just  
8 state your name for the record?

9 MR. STAPLES: My name is Dallas Staples, I'm a  
10 former police officer in the Charleston, I was the former  
11 Chief. I'm the current president of West Virginia Black  
12 Law Enforcement Officers United and I have a comment and  
13 a question.

14 I think that when we look at police recruiting,  
15 recruiting cannot be an effort that just is subjectively  
16 a date picked that we will start recruiting. Recruiting  
17 must be a living, breathing, ongoing process in which you  
18 establish an environment for people to want to  
19 participate in a job or an organization and we see too  
20 many times that we do -- we start at a date, we have a  
21 recruiting period that runs three months, two months, and  
22 then after that there is no more recruiting.

23 I think that one of the things that agencies  
24 have to look at is that recruiting should be an ongoing  
25 process all the time and that we weave it into the

1 philosophy of the organization and it's not just a  
2 process.

3           The other thing is that we have to look at --  
4 and I wanted to address this with Mr. Huber and I think  
5 he'll probably agree with me, is the civil service law  
6 that so many agencies hide behind as a reason for not  
7 doing certain things.

8           The civil service laws were first promulgated  
9 back in I think the '50s. These laws were not designed  
10 to bring about fairness, they were designed to be able to  
11 exclude people and we still use those today and if you  
12 see the process of the civil service law and how it's a  
13 shell game and it can be manipulated to exclude people,  
14 for instance, you can decide to have physical fitness or  
15 you don't have to have physical fitness. Or you can  
16 decide to use a physical fitness standard that certainly  
17 would eliminate female applicants.

18           That in itself I think Mr. Huber, an attorney,  
19 would agree that you're asking people to perform  
20 something that is not an ongoing standard for an agency.  
21 In other words, you're requiring people who to the job to  
22 be able to do 26 or 27 situps or pushups, but you don't  
23 have a standard that you have officers that are already  
24 employed who have to live up to that standard.

25           So I think there's some real problems with the

1 civil service law and how we do things. If you can  
2 manipulate the system to where a written examination is  
3 decided -- you can add weight to it, you can count the  
4 written part as 80 percent, especially in promotions, and  
5 what we need to look at, from an educational standpoint,  
6 is what are we recruiting?

7           If we're recruiting police officers, then the  
8 style of questioning for hiring should be people -- we  
9 should develop a standard first, what do we want a police  
10 officer to be, do we want a person to have strong  
11 interpersonal skills, people who have good communication  
12 skills, then why do we have a test that doesn't measure  
13 that?

14           We are not measuring -- we're measuring how  
15 smart are you, we're not measuring how are you smart and  
16 so we use a method of evaluating people based on how  
17 certain people learn and certain people learn in  
18 different ways and everybody cannot learn simply by  
19 reading and retaining.

20           As educators, you know that people learn in  
21 different modalities, but if you're only testing in one  
22 skill -- because we're looking at not only that there are  
23 a lot of African-Americans that don't pass the test,  
24 there are a lot of whites that don't pass the test, but  
25 we have to look at that, too.

1           So we have to understand by that that we're  
2 only attracting people who learn in that particular style  
3 of study. We're not measuring people who are hands-on,  
4 who are do things through -- they can give you the answer  
5 verbally. Is there an assessment process? We need to  
6 revisit, I think, the civil service process and is it  
7 designed -- is it what we need in the year 2000.

8           We can looks at ways that we have suggested,  
9 there are other ways, through education. Law enforcement  
10 is one of the few organizations or professions that hire  
11 people and then train them, so you can eliminate a lot of  
12 this if you have a process of higher education certifying  
13 police officers, because right now a four-year criminal  
14 justice degree in West Virginia doesn't mean anything to  
15 anybody, but when you go to school for four years as an  
16 educator, you come out a certified teacher, you go a  
17 board and you become certified and they can hire you.

18           This would eliminate discriminatory acts in  
19 testing that can be manipulated because it's a shell  
20 game. Well, I'll get you this time on the test, so I'll  
21 get you focused on whether the test is culturally bias,  
22 so we focus on that, so we give a test that's not  
23 culturally bias. So I'll get you on the physical fitness  
24 and then I'll get you on this. So you never know where  
25 the system is going to eliminate you.

1           MR. HINTON: I just have a question for you, if  
2 I may. I made a casual observation and of course you  
3 have been in law enforcement for many years, you were  
4 talking about the whites who can't make that cut off for  
5 the test. My observation has been that when you're  
6 looking for an officer who gets promoted, there are some  
7 who have really great people skills; they're very much  
8 respected in the community, they respect the community,  
9 the community respects them and it seems to me they  
10 happen to be the people who just can't make the higher  
11 grade to get the promotions and the ones who have the  
12 worst people skills are making it.

13           Now, that's my observation. I just wondered if  
14 that seemed to be something that you may have experienced  
15 as well.

16           MR. STAPLES: Yes, and again, that is the  
17 process that's used, again the agencies hide behind the  
18 civil service laws and say well, this is all we can do  
19 because civil service says this is all we can do.

20           I say that just like Mr. Huber said, if it's so  
21 fair, why is this happening and why are we reluctant to  
22 revisit that? But we see again the system manipulates  
23 testing on how we promote people, because like you said,  
24 people with strong interpersonal skills that are able to  
25 communicate with the community, that is not part of the



1 promotion process because there is no assessments in  
2 place to measure that person's ability. It's only a  
3 written examination.

4           These are the things that I'm saying that the  
5 system, the whole system is wrong and so far in West  
6 Virginia, not just Charleston, I don't want to just pick  
7 on Charleston, but let's look at the Kanawha County  
8 Sheriff's Department, let's look at the West Virginia  
9 State Police, all through West Virginia law enforcement  
10 has gotten an F.

11           West Virginia Law Enforcement Officers United,  
12 we have monitored, what they get is a failing grade and  
13 it is by design. It is by design because you see the  
14 unwillingness to address the issues that are raised, such  
15 as the civil service law. Why do we have to have a civil  
16 service law that is not conducive to what agencies want  
17 to do?

18           If I was running a football team and I needed a  
19 quarterback, I would not recruit linemen and try to make  
20 them quarterbacks and basically with this system, that's  
21 what we do. We hire linemen and we try to make them  
22 something, instead of recruiting, having efforts and  
23 testing that draw out the interpersonal skills of those  
24 applicants and say these are the people that meet that.

25           Just like their psychological. There has to be

1 a standard. The psychological testing now just shows  
2 that this person fits in this group. They may be crazy,  
3 but they're within this group of people who have no  
4 interpersonal skills, but we say well, they're all right.  
5 Some of these things you can't teach and we take a chance  
6 when we hire people without these skills that we  
7 establish, it's a crap shoot whether or not we're going  
8 to be able to train them to do that.

9           Those are the issues that law enforcement in  
10 West Virginia needs to address, some of these things that  
11 are hidden behind and you would see, if you came together  
12 and brought education in, because if educators can train  
13 heart surgeons and brain surgeons, they can train police  
14 officers and you could establish programs within  
15 community colleges and universities around this state  
16 that people could go through a process and number one, it  
17 would cut back on taxes and tax dollars that citizens pay  
18 to provide other people with jobs.

19           I think that that's what they need to be  
20 addressing. Let's address the real issues and quit  
21 hiding behind civil service laws and manipulating and  
22 massaging the system. Thank you.

23           MS. ROPER: We thank you for your comments and  
24 good insight.

25           MR. BROWN: Can I make one other comment on

1 that?

2 MS. ROPER: Sure.

3 MR. BROWN: Under the West Virginia Deputy  
4 Sheriff civil service exam, even if you make the highest  
5 score, the sheriff doesn't have to pick you. What the  
6 Commission does is send three names and the sheriff gets  
7 to pick any one of those names.

8 Now, if you are at the top and he bypasses you  
9 three times, say he picks the lowest person, they move  
10 another name up. If you're at the top and he bypasses  
11 you three times, they take you off the list and you're  
12 the high scorer.

13 MS. ROPER: State your name for the record,  
14 please.

15 MS. LEWIS: My name is Connie (inaudible)  
16 Lewis. I'm a resident of Charleston and I did, as  
17 Hillary mentioned, serve on (inaudible).

18 I wanted to point out a couple of things. Yes,  
19 it was our understanding that the test used to hire  
20 police officers in the City of Charleston was validated  
21 by an outside group as appropriate and non-  
22 discriminatory. I have never heard whether or not the  
23 test used for promotions was similarly validated and  
24 state code requires that a promotion be based only on  
25 test results.

1           There has been a bill before the Legislature  
2 for several years now to broaden the criteria for police  
3 promotion to include such things as the content of your  
4 personnel file, but it has gone nowhere. It has only  
5 been in the Senate, I'm hoping that it is introduced in  
6 the House and that the House Judiciary Committee can take  
7 it up in the future.

8           I also wanted to point out that one of the  
9 things that happens in Charleston and probably also in  
10 Huntington is that it seems to me that many of the new  
11 police officers within the City of Charleston have gotten  
12 earlier police experience, if not in the military, then in  
13 Lincoln County, Logan County, Boone County, Calhoun  
14 County and therefore, have an advantage when they come to  
15 apply to the City of Charleston and take the test in  
16 Charleston and go through the entire process.

17           I sincerely doubt that there are any minority  
18 police officers in Lincoln County, Logan County, Boone  
19 County or Calhoun County and I think this is also an  
20 issue that needs to be looked at. In fact, I was going  
21 to propose at one time that the City of Charleston  
22 develop two hiring lists, one for people who have  
23 previous police experience and another for people who  
24 have aptitude, but no previous police experience. I  
25 don't know if that would be legal under the current state

1 code.

2 MS. ROPER: Thank you. Any more comments from  
3 the public?

4 MR. MAJUMDER: I have one more question. Could  
5 be basically say, among other things, there problems in  
6 the way people are recruited in the police force, there  
7 are problems in the way the decisions are made to promote  
8 the officers from a lower rank to a higher rank and also  
9 the curriculum?

10 Because what I heard, that maybe some of the  
11 things that are considered important to be a good police  
12 officer are not in the curriculum, so what I am hearing  
13 and particularly from the ACLU and others, if there is  
14 some way there could be -- and I like the comment made by  
15 the member of that City of Charleston committee, that the  
16 tests are reviewed by somebody, but that should be really  
17 a very important thing for having a quality law officer  
18 in any organization and all the cities and the  
19 communities and the municipalities should be interested  
20 in this.

21 It's not just Charleston, it should be  
22 Huntington, Morgantown and I'm just curious, I'm just  
23 talking about ourselves also, we would like to know how  
24 other cities within West Virginia deal with these things  
25 and particularly people like the Mayor stated here.

1           It would be very important to see how we  
2 improve civil service, it's definitely well-intended, but  
3 if it is not doing the job, I think somebody ought to  
4 examine it, review it and say hey, is it working. If it  
5 is not working --

6           UNKNOWN: That is impossible.

7           MR. MAJUMDER: Nothing is impossible.

8           MS. CHIZ: Could I just make a comment?

9           MS. ROPER: Real quick.

10          MS. CHIZ: I just wanted to tell you that I  
11 appreciate this opportunity and I know that we're talking  
12 community and law enforcement relations, but there is a  
13 particular emphasis here on race relations (inaudible).

14          There's a particular emphasis on race relations  
15 and I want to point out that I just read a U.S.  
16 Government Accounting Office, GAO report about Customs  
17 agents and the disproportionate searches of African-  
18 American females, so the fact that our statistics show  
19 that 80 percent of the time if you are a black female and  
20 you are stopped by police officers you will be arrested  
21 goes right along with what the Government Accounting  
22 Office found out in the U.S. Customs Service.

23          We're talking about race relations and I think  
24 there's still reluctance here among many of us to talk  
25 about the underlying issues of racism that (inaudible).

1 It's very tough to talk about, but if those of us who are  
2 not a minority can get accustomed to the fact that racism  
3 exists and that we are in fact the people who perpetuate  
4 it, wittingly and unwittingly, then we'd get a lot  
5 further and if we eliminate that defensiveness around  
6 police versus community and just talk about how police  
7 and community can work together, what we want, as Jason  
8 Huber said, is better law enforcement.

9 If that takes giving them more money and better  
10 training and better vehicles and more of everything, then  
11 we're all for it because what we want, bottom line, is  
12 for them to do their job better for us.

13 MS. ROPER: I have to interrupt you here. At  
14 this time we'd like to ask Mr. Phil Carter of the Cabell  
15 County NAACP if he would like to give his presentation.  
16 We are limited to 12 minutes. We've given everyone 12  
17 minutes, we'd like to interrupt the public comments for  
18 right now, until Mr. Carter speaks and then we'll resume  
19 and you can be next.

20 MR. CARTER: Thank you very much for the  
21 opportunity to bring to your attention once again  
22 problems that we're encountering in Cabell County, West  
23 Virginia.

24 There are two writings that are being passed  
25 out to you now, one is testimony by Philip Carter before

1 the West Virginia Advisory Committee, the United States  
2 Commission on Civil Rights, Racism against African-  
3 Americans and Racism and police brutality or misconduct  
4 against the citizens in the Huntington, West Virginia  
5 region, submitted Friday, August 22, 1997. Multiple  
6 pages of issues of criminal justice misdeeds and police  
7 brutality. We're handing that out to remind you again  
8 it's the same old thing.

9           However, now there is another issue and that  
10 issue is we have had continuous patterns and protocol  
11 from the Huntington Police and criminal justice system  
12 that reflect a pattern of intimidation, incrimination,  
13 incarceration and now attempted assassination.

14           Yes, those are extremely strong words, but  
15 based on what we have seen happen over the years, based  
16 on what we understand and based on the briefing we were  
17 given yesterday by Mr. David Perry, who is the attorney  
18 for the latest two victims, Mr. Webb and Mr. Johnson, two  
19 young men, one 18 and one 20, one was shot in the back by  
20 the local police "accidentally," we're saying this  
21 pattern fits Los Angeles, New York City, Pittsburgh,  
22 Pennsylvania and other places.

23           Now, what does it take? Does it take two or  
24 three inches different when he was shot in the back and  
25 the bullet came out in the lower part of his back? We're



1 talking about only a matter of inches that that bullet  
2 missed what? His head. Do we act once someone is dead?

3 Or on the other side, it could be a citizen in  
4 the community. If there's that much of a problem, it  
5 could have been anyone of the policeman had an accident.  
6 It could have been people standing on their porch, it  
7 could have been a child on the sidewalk.

8 We must do something about this. I know it's  
9 not your job to rise up and take over and lay blame to  
10 the entire criminal justice system in Cabell County, but  
11 we can see what is called micro-aggressions. Micro-  
12 aggressions in the old days were lynchings, conspicuous  
13 lynchings in public.

14 We're concerned with the daily micro-  
15 aggressions, insidious intimidation, the installation of  
16 fear into our young teenagers. Do you realize the impact  
17 that is having on our kids in the community? Instead of  
18 a protective image, that image may kill me, therefore I  
19 will run, I will hide and I will defy.

20 Now, you have a brochure before you. This is  
21 part of the testimony and the evidence that was presented  
22 to us by the attorney, Mr. David Perry. It states that  
23 one of the reasons the young people were stopped, and  
24 they were stopped over a period of two days, if you read  
25 some of the articles we're going to hand out, they were

1 stopped over a period of a couple days.

2           They had a red bandanna. Now, this doesn't  
3 make sense. I'm going to stop somebody because they wear  
4 a red bandanna? Do I stop them if someone wears a blue  
5 bandanna? Do I stop them if they were a chartreuse  
6 bandanna or a purple bandanna? So we have called on  
7 everything in the community to wear red and a red  
8 bandanna. I dare you and I defy you -- and the black men  
9 in this community are beginning to say that and do it. I  
10 defy you to come up and snatch off my red bandanna.

11           We are not taking this anymore. This thing has  
12 reached an epidemic proportion and someone must  
13 intervene. We have done all we can since 1997, you see,  
14 the NAACP has documented this.

15           Now, there's another document that's for your  
16 eyes only, which is this one, which lists some more  
17 recent incidents and also the efforts that the NAACP  
18 locally has made to try to deal with this issue. These  
19 are people coming to us. What can the NAACP do when you  
20 have three or four of these incidents per week? What can  
21 we do? We do not have a full time staff.

22           Yes, we can hold rallies, yes we can protest  
23 and yes, I can personally define my stand and make it  
24 clear. You're going to have to carry me off of the  
25 street, but you are not going to intimidate me, and unless

1 the community en masse begins to support each other, I  
2 don't know where this leads in West Virginia.

3 I am very, very frightened and you ought to be  
4 frightened also and everyone in this room ought to be  
5 frightened. It happens in Huntington, it's going to  
6 happen somewhere else, if it hasn't already happened  
7 somewhere else.

8 That young man was trying to get away. He  
9 tried to climb the fence because he was afraid,  
10 intimidation of the police. He slipped, he came down,  
11 here's a policeman coming at him, gun drawn, he is shot,  
12 the bullet goes right by his head, enters back here,  
13 comes out back here. Shot in the back by accident.

14 The young man did not have on any trousers. He  
15 had (inaudible), they were running and you know, they're  
16 low, and they had fallen down, so the brother stepped  
17 them off. He has only his underwear. Where was a knife?  
18 Where was a set of keys? Where was a (inaudible). He  
19 was in his underwear and had one shoe on. One shoe on  
20 and his socks.

21 We need to stop this nonsense. This is insane.  
22 And Delegate Johnson was there also. It's the first time  
23 we've ever had an attorney call us in and really inform  
24 us and say look, I want the NAACP to be a part of this  
25 and I want the community because these young men are

1 being lynched.

2 Intimidation, they run. That's logical. After  
3 massive intimidation, the logic is get the hell out of  
4 here before I am incriminated. Incrimination leads to  
5 incarceration and now it's been upped a notch, almost got  
6 you, attempted assassination. That's all I have to say.  
7 Thank you.

8 MR. HINTON: Mr. Carter, I'm just curious. I  
9 was talking to one of my students at Fairmont State  
10 College and he's from a major city and he indicated that  
11 where he's from that young African-American males, if and  
12 when they're stopped by police officers in a car they  
13 immediately put their hands on the dashboard as a  
14 protective measure. Is that the same kind of thing that  
15 is happening, the reason why the young man stripped his  
16 pants off?

17 MR. CARTER: Well, I think he was running. I  
18 believe he was --

19 UNKNOWN: He was going over the fence and they  
20 got snagged, so he snapped them off so it was easier to  
21 run.

22 MR. HINTON: Okay.

23 MR. CARTER: I believe he was genuinely afraid,  
24 like many other adults and young people are afraid in  
25 that community of the police and that should not be.

1           MR. HINTON: What about the dashboard thing, is  
2 that something that's common in this --

3           MR. CARTER: Well, we have been telling our  
4 young people, and Harvey Anderson, who you all know, came  
5 in and gave a presentation to the NAACP and it was a set  
6 of instructions from the ACLU on what to do.

7           Well, the ACLU says providing it a rational or  
8 (inaudible). It's no longer rational. People want you  
9 to be intimidated. If you do not show deference, even  
10 eye contact, these are insidious micro-aggressions. If  
11 you look too long at that officer, that officer may stop  
12 you, so you have to go around, an officer comes down,  
13 lower your head.

14           This ain't 1860. This is not 1850 and I'll be  
15 damned if I'll do that, if you'll excuse my expression.  
16 I'm going to look at you, you get out of your car and  
17 you'll have to excuse because I am not giving deep  
18 deference. I'll give you deep defiance and it's reaching  
19 that level now. It shouldn't reach that level, but what  
20 do we expect, our young men to go around stooped  
21 shouldered? It was Martin Luther King, Jr. who stated if  
22 you walk around like this, somebody can ride your  
23 shoulders for the rest of your life. If you stand up  
24 like this, they're either going to slip off or you're  
25 going to flip them off.

1 MS. ROPER: Your Honor. I see that Reverend  
2 Murray has come in. At this time could you come to the  
3 mike and give your comments? We're limiting everyone to  
4 12 minutes.

5 REV. MURRAY: Good afternoon. My name is  
6 Reverend James Murray. (Inaudible) Methodist Episcopal  
7 Church here in Charleston and I also happen to serve  
8 currently as the president of the Charleston Civil  
9 Service Police Commission and I've been serving in that  
10 capacity for about a month now, but I've been on the  
11 commission for somewhere around two years.

12 The reason that I'm probably on the commission  
13 is because of the adverse action that I endured prior to  
14 my becoming a member. I'm originally from Chesapeake,  
15 Virginia and things are not as racist, the environment is  
16 not as racist in the Chesapeake area as it is here.

17 To make a long story short, I was calling the  
18 Pizza Hut in the Kanawha City area, which is a  
19 predominantly white community, and I was notified that  
20 the Pizza Hut drivers don't deliver to "y'all." I  
21 responded who exactly is "y'all"? His response was  
22 y'all's community. Well, I said well, I happen to live  
23 no more than three city blocks from the governor of this  
24 state and if you cannot deliver to me, then that means  
25 you're not to delivering to the governor.

1           He said no, no, no, we just don't deliver to  
2 y'all, so I hastily got into my car and arrived at the  
3 Pizza Hut in Kanawha City and asked to see the manager to  
4 address the issue. Well, on that particular day I  
5 happened to be dressed in a mode that happened to fit,  
6 whether the police department will openly admit it or  
7 not, the profile of a young male. I was dressed in a  
8 pair of shorts, I happened to have a gold chain around my  
9 neck, with a cross on it, mind you, a Redskins cap turned  
10 to the back and a short-sleeved shirt on.

11           As I began to describe what had transpired,  
12 someone at the Pizza Hut phoned the Charleston Police  
13 Department, and I'm not exaggerating, in less than two  
14 and a half minutes the police arrived in the Pizza Hut  
15 and did not ask me who I was at the time, grabbed my  
16 hands, escorted me out, rolled me to the floor.

17           I said I cannot believe this. I am a leader in  
18 this community. If this would happen to me, what happens  
19 to somebody else on the corner. I told the gentleman you  
20 probably just made of the best mistakes in your police  
21 career because it will not stop here.

22           As I checked around the community, I found that  
23 this was the norm of the police department. Along with  
24 some colleagues, we formed an organization maybe a year  
25 later, the Kanawha Charleston Neighborhood Congress,

1 which sought to put an end to the racial injustice that  
2 has been prominent here in this state's capitol.

3 To be very honest, the norm is still going on  
4 and I'm concerned because the police have the mentality  
5 that every black man is a criminal. Again, I'd like to  
6 acquaint you with what happened to me a year ago.

7 I was stopped not less than a month ago by a  
8 lieutenant of the police force, driving a red BMW,  
9 dressed like the normal -- what I would perceive black  
10 male, because when I'm in a suit and tie, people treat me  
11 differently because they perceive that I am somebody, but  
12 when I'm not in a suit and tie, I'm accosted, I'm  
13 harassed.

14 I believe (inaudible) you are supposed to turn  
15 right. Well, I was in a predominantly (inaudible)  
16 neighborhood and decided that I was going home and I was  
17 incorrect, rather than turn, I went straight. A  
18 lieutenant put his lights on, pulled me over, which I  
19 said okay, because I was wrong. But when he came to my  
20 car, I was offended. He placed his hand on the holster  
21 of his weapon, came to me and spoke to me.

22 Do you realize that you just made an incorrect  
23 turn; I said yes and I immediately threw my hands up and  
24 he said why are you throwing your hands up, sir. I said  
25 well, I am a black male and I'm used to being stopped and



1 I don't want any mistakes here today because the moment  
2 that you placed your hand on your weapon, you alerted me  
3 what you were preparing for.

4 I have friends who are police officers, in my  
5 church, and I've been stopped in numerous cities, I am a  
6 very-traveled person. But the things that I put with  
7 here are just not necessary.

8 Again, I would think that by now every police  
9 officer in this city would know that Reverend Murray is  
10 on the Police Civil Service Commission and drives a red  
11 BMW and right now you'd better leave him alone, but it  
12 doesn't matter because I'm a young black male and I fit  
13 the profile and I'm concerned.

14 Another issue, as a member of the Police Civil  
15 Service Commission, I've been there again, as I alluded  
16 to earlier, almost two years, I've seen one black African  
17 come through the process and then qualify to go. It's  
18 almost impossible. Those who investigate the people who  
19 go to be on seem to almost have an indictment to prevent  
20 black people from coming on the force.

21 As a Commissioner, when I looked at the history  
22 of how things have been done in the past, I found that  
23 they were specifically designed to eliminate black  
24 involvement in the police force, intentionally. The  
25 tests that were given had been put out bias. They had

1 disclaimers saying that there will be a 29 percent  
2 variance in an African-American taking the test and white  
3 male taking the test and it happens. So much so that  
4 this city has to have a consent decree to ensure that  
5 there were minorities on the police force.

6           The think that really aggravates me is that the  
7 consent degree could have stayed in place and the  
8 minority input on the police force would have remained  
9 representative of the community, but the city opted to  
10 put an end to the degree because they had reached what  
11 they purposed was an acceptable level.

12           Now, within the last six years we've only had  
13 one black police officer hired in the City of Charleston,  
14 West Virginia and I have one now who is about to come on.  
15 He was in his uniform and I spoke with him yesterday and  
16 I heard the things that have already been said, that  
17 they're going to claim it's racial if he doesn't make it.

18           So what I'm hoping you will hear from me today  
19 is that there is a problem, there is a generational  
20 problem, there is an institutionalized racism that exists  
21 in this city, in this region and it is my desire that you  
22 will go back and let people know that things here need to  
23 be monitored so that we ensure that justice does flow  
24 (inaudible).

25           You must not leave West Virginia, this great

1 place, and not bring the change. There are little black  
2 boys and little black girls who are depending on you to  
3 help us because I believe the old enemies that when you  
4 talk about justice here, that's what you find, just us.

5 I hope, Mr. Chairman, that you will be gracious  
6 enough to understand the concerns of the citizenry that I  
7 represent and please do us a favor and allow justice to  
8 render the same quality.

9 Thank you so very much for allowing me to come  
10 before you told.

11 MS. ROPER: Thank you for your time. At this  
12 time I have promised the public to resume their comments  
13 to the panel. You can come up now. Please state your  
14 name and who you represent.

15 UNKNOWN: (Inaudible.) I think education to  
16 police officers to be a servant of the people and I don't  
17 see that today. I'm a bail bondsman in Parkersburg and I  
18 do not see them being a servant, they think we are the  
19 servants.

20 (Inaudible) instead of helping the innocent  
21 person. Again, I don't think they should be there. I  
22 see this all the time, they are making criminals instead  
23 of helping people and that's their job, a police  
24 officer's job.

25 I work with the criminal element every day and

1 I'm not afraid of the criminal element, but I am afraid  
2 of the police officers in my home town. I'm afraid of  
3 the state police, the city police, my home town police  
4 because I see what they have done to other people.

5 And I want to make a mention about what Mr.  
6 Huber said, he said give them more money. More money  
7 does not make a person do their job more diligently. If  
8 they don't do it without the money, \$100 a week will not  
9 make them any more careful about their (inaudible).  
10 Thank you very much.

11 MS. ROPER: Thank you. At this time, Joan  
12 Hairston.

13 MS. HAIRSTON: I have a two-part question, one  
14 is a statement and then a question. In our office we  
15 have a lot of complaints about interracial couples being  
16 harassed. I didn't hear that brought up here day and  
17 especially if it's a black young male and a white female,  
18 she is harassed just as much as he is. I wanted to know  
19 if you all in your areas find that a problem also.

20 The second part, they knowingly say that the  
21 black African's attitude does not pass the test. What  
22 can we do about white officers' racist attitudes? Can we  
23 test them for that, to see if that exists also?

24 MS. CHIZ: I can speak to the issue or to the  
25 question that you had about interracial -- complaints

1 about interracial couples, families. I don't know if  
2 anybody else gets complaints like we do, I'm sure the  
3 NAACP does, but people automatically think that the ACLU  
4 is who they should call to complain about those kinds of  
5 things and so we get a disproportionate number of those  
6 and I do hear people complaining about attitudes, but  
7 it's not just by law enforcement, it's attitudes in the  
8 schools and in government institutions in general. And  
9 it's families, it's not just couples, so yes, we do get  
10 those complaints.

11 MR. CARTER: We've had numerous complaints from  
12 interracial couples. In addition, a considerable number  
13 of the list that I have given you are from whites and  
14 especially dealing with the county jail. I can't get  
15 into the county jail anymore.

16 The last time I attempted it was a white  
17 gentleman who had come to me regarding his son and so we  
18 thought we had everything together, we were going in --  
19 they had -- the county officers in the jail had beaten  
20 him so badly that he had to be taken to the hospital, so  
21 we were going in to see him the next day.

22 They let the father in, but there was no place  
23 to place my briefcase, so therefore if I left my  
24 briefcase outside, someone might take it.

25 Later on I found out that this very large,

1 white correction officer was the very officer that had  
2 beaten his son. That was the one that denied me entrance  
3 into the jail. So this continues to happen and there is  
4 no recourse.

5 If I sound frustrated and angry, that's an  
6 exact reflection of my reaction. But this continues to  
7 go on and there appears to be pressure to smother and to  
8 gloss over any issue the NAACP deals with that advocates  
9 on behalf of whites who have been mistreated and if it's  
10 interracial, it's even suppressed that much more or  
11 ignored.

12 REV. DAVIS: I'm glad that I'm not in  
13 Huntington.

14 UNKNOWN: Be glad for small favors.

15 REV. DAVIS: But in terms -- I cannot recall a  
16 disproportion amount of complaints because of interracial  
17 couples in the Charleston area. Certainly there's an  
18 awful, awful lot of interracial couples in Charleston,  
19 West Virginia, but the complaints are not out of balance,  
20 in terms of complaints that we get.

21 We have had in the last three or four years,  
22 we've had about three that involved interracial couples.  
23 Well, one of them was a single parent who happened to  
24 have a black child, but it's not out of proportion in our  
25 area.

1 MS. ROPER: At this time we'd like to hear  
2 from --

3 MR. BROWN: May I ask Dallas some questions?

4 MR. STAPLES: Sure.

5 MR. BROWN: Thank you. Dallas, when you were  
6 the chief of police, did you have a lot of the problem  
7 that we're discussing here right now when you were chief  
8 of police?

9 MR. STAPLES: I think that certainly the  
10 problems have not changed. I think that as Mr. Carter  
11 alluded to, we've been documenting these problems for  
12 years and certainly the frustration is there because  
13 we're not resolving any of the issues that we continually  
14 document and I think it's the time for action and I have  
15 to agree with Ms. Chiz, that certainly it is a racial  
16 issue because it is the main motivation behind the acts  
17 that occurred are racial issues and so I think that we  
18 definitely need to put those to rest in West Virginia.

19 MR. BROWN: The reason I asked the question is  
20 because maybe it's not at the lower part of the police  
21 department, but at the higher part. When a police  
22 officer knows that nothing is going to happen, he's not  
23 going to lose his job, he's not going to be reprimanded  
24 over what he does to certain races of people, then he  
25 feels free to go ahead and do that. That's the reason

1 why I asked you that question.

2 MR. STAPLES: Yes. Well, certainly I've had in  
3 place -- had set a philosophy or the tone when I was the  
4 chief of police. Certainly we did have those types of  
5 complaints and when we did have those types of  
6 complaints, we dealt with them and we dealt with them  
7 openly and if the officers were at fault, they were dealt  
8 with swiftly and immediately.

9 We didn't try to hide anything. We had things  
10 -- we encouraged citizens' participation with the police  
11 department. I had youth advisory boards that met with  
12 officers to deal with the issues among young people. We  
13 included the public. We had senior citizens who involved  
14 themselves with the police department.

15 I would have welcomed a citizens review board  
16 because I felt we had nothing to hide and that is  
17 certainly one way of weeding out the bad apples because  
18 organizations will not self-indict. They will not self-  
19 indict, so you have to have -- it only adds to the  
20 credibility of the organization when you have an  
21 oversight and I'd agree with someone, I think Mr. Huber  
22 said even attorneys have judicial ethics boards that  
23 review their actions, doctors have medical boards that  
24 review their actions, the board of education has ethics  
25 and standards that they review teachers and so I'm saying



1 yes, the police department needs -- police agencies, not  
2 only in West Virginia, but throughout the nation, if we  
3 are to rise to the professional level that we profess, we  
4 should welcome review because we can only correct those  
5 things when they are identified and certainly it all  
6 depends on your position what your view is and sometimes  
7 you're too close to it to see what's really going on.

8 MS. ROPER: Okay.

9 MS. PORTER-GREEN: My name is Joan Porter-  
10 Green. I feel that the problem with the police is  
11 (inaudible) of the problems in this particular area.  
12 I've found that EEO -- people are using EEO as  
13 (inaudible) and various of the agencies tell me that  
14 they've found federal agencies are not monitoring their  
15 -- they're not doing proper monitoring.

16 So you have a problem with the police  
17 department, you have a problem with state government, you  
18 have a lot of problems with non-profit organizations,  
19 they don't feel that they have to follow the rules.

20 I'm happy to know that you're here, the  
21 Charleston branch had asked about three or four years ago  
22 for you to comment on the problems that we have in this  
23 area, but we hope that you will come back to look at the  
24 EEO problems because they are very serious in this area.

25 MS. ROPER: Thank you.

1 DELEGATE JOHNSON: Good afternoon, my name is  
2 Delegate Howard Johnson, I'm a member of the State  
3 Legislature. I reside in Huntington, that place Phil was  
4 talking about, and I was in a meeting with him yesterday  
5 and everything he said is 100 percent true.

6 I wanted to talk about something that the  
7 former teacher spoke about. One of the members of the  
8 Legislature has introduced in the last two years a  
9 civilian review board for police agencies, state and  
10 local.

11 You have not seen a lobbying effort that is  
12 amount to once they introduced that bill, from the state  
13 police to the lowest city police department in the state,  
14 they are in mass at all of those meetings and they are  
15 trying to convince the Legislature that they do not need  
16 a review board and it's just as the former chief said, if  
17 there's nothing to hide, what fear is there in an  
18 independent review?

19 If you look at the instance, whether they're in  
20 the Northern, Eastern Panhandle, whether they're in  
21 Welch, whether they're in Huntington, whether they're  
22 Charleston, the police agencies in this state have run  
23 amok.

24 They feel no intimidation and they fear no  
25 retribution for anything they do and when they close

1 ranks, there's not a stronger fence anywhere in this  
2 state and I think that's unfortunate.

3 I think they should back off, I think they  
4 should be removed. I think people have good reason to  
5 fear police agencies and I say this having -- as so many  
6 of you, I have a lot of friends in police agencies. Most  
7 of the individuals you meet are decent, honorable human  
8 beings, but they're fully aware of that 1, 2, 3 or 4 or 5  
9 percent of their ranks that are not.

10 But the last thing that any police officer  
11 would ever do is to rat on another officer. That is the  
12 unwritten code, that is something they will not do and  
13 they may know they have a murderer among their ranks, but  
14 they don't have the guts, the decency or the nerve to  
15 break ranks and to speak out. That's the problem you  
16 have across this nation.

17 We're seeing the results of that and I feel  
18 like so many others, I am so sick and tired, you try to  
19 tell people to be peaceable, you try to tell people and  
20 to instruct people to hold your peace and to be very  
21 deliberative and to calm your emotions, but it's getting  
22 harder and harder for me to do that.

23 I have a 17-year old son and I have children  
24 that are following behind him. If they know that they're  
25 Delegate Johnson's sons, I guaranty you they'll be well-

1 taken care of in Huntington. But when they (inaudible)  
2 no one knows that, he does look a little bit like me,  
3 he's not as handsome as I am, but he does look a little  
4 bit like me.

5 (Laughter)

6 But my fear is he should not -- I should not  
7 have to worry about that. I worry when I'm stopped by  
8 police officers and I'm a delegate. Of course, I have a  
9 card in my pocket that I can show any police officer that  
10 identifies who I am and I get treated with the utmost  
11 respect.

12 MS. CHIZ: But reaching for that card is going  
13 to be the problem.

14 DELEGATE JOHNSON: Point well taken. But I  
15 think something does need to be done. I think the police  
16 agencies, those among their ranks that do have some  
17 decency, they need to also understand that what we are  
18 trying to do -- that's been sponsored by all three  
19 African-American members of the House of Delegates and  
20 also three other members of the House who are caucasian  
21 and we will do it again next year.

22 It has never gotten to a Subcommittee vote,  
23 much less a Committee vote or a Floor vote, you  
24 understand, it's never gotten to even a Subcommittee  
25 vote. We had part of a discussion this year, but when

1 they close ranks, when the meeting is called, almost  
2 every major police agency in the state is represented in  
3 that Committee room and they're talking to these  
4 delegates and this is just an honorable thing to do.

5 This is just a common sense thing to do. If  
6 you have nothing to hide, what fear could there be for an  
7 independent review of your actions? They have plenty to  
8 hide or they fear that they have something to hide and I  
9 think it's a cowardly way for any police agency in this  
10 state to operate, whether it be state, county or local  
11 municipality and they need to back off of it and we need  
12 to pass this bill. Thank you.

13 MS. ROPER: Thank you. At this time we're  
14 going to hear testimony from Mr. William Boyd. Mr. Boyd,  
15 I think your time is about three minutes.

16 MR. BOYD: Okay. Unfortunately, I was accosted  
17 (inaudible) Hospital May 27 of '98. I heard this voice  
18 tell me to get out as I was walking to my car, so I  
19 looked around and this cop draws his gun out on me and  
20 makes me to lay down there in the parking lot at the  
21 hospital.

22 So after I laid down and he handcuffed me, he  
23 said now get up, nigger. This cop (inaudible) came over  
24 and I'm still having problems where he hit me  
25 (inaudible). By this time I said am I under arrest, he

1 said no, just shut up and then they started driving me  
2 around the city, beating me up, putting scars all up and  
3 down my back.

4 I can't adjust to another thing, the way they  
5 was (inaudible), I'm just at the point now, 50 years old,  
6 I don't know what solution to do, nobody seems curious  
7 when it don't concern them. The only thing I can say is  
8 tell the truth.

9 They drove me around for about three to four  
10 hours, again, I may be going to jail, then they took me  
11 down to the same hospital, unconscious. When I came to,  
12 I was in a straight jacket for about four hours. Then  
13 they stole my house keys and car keys and the guy that  
14 towed my car put a circle around it and said there's no  
15 keys, so they kept all the keys and then they wrote up  
16 saying I was somewhere I wasn't and then had the hospital  
17 lie, saying that this is my first time being there.

18 Hopefully, God left me there for a reason  
19 because I was (inaudible) and the films will show who is  
20 telling the truth and who's not telling the truth, but  
21 unfortunately, I don't have to representation, there's  
22 been five attorneys in Huntington turned my case down  
23 some kind of way.

24 I went to the FBI twice, never heard from them.  
25 (Inaudible) and without him, I probably wouldn't have

1 nothing to say. I'm kind of confused, I just hope  
2 somebody is out there listening to stop this nonsense  
3 because it's going to get worse if somebody don't try to  
4 fix this problem.

5 There's a problem and it needs to be fixed, I  
6 don't know, we've got a bunch of criminal (inaudible)  
7 police brutality problems, they seem to cover up for  
8 everybody. That's what bothers me. I can only say what  
9 happened to me. Thank you for your time.

10 MS. ROPER: Thank you, Mr. Boyd, for your  
11 testimony. At this time, does anyone else have any other  
12 questions of our panel or of our guests?

13 MR. HINTON: I want to go back to Mr. Huber.  
14 It's interesting that you gave some very enlightening,  
15 but yet bad statistics about some of the things that are  
16 happening.

17 We have tried to get the same kind of  
18 information as the Advisory Committee, but we have been  
19 told that they -- well, actually, they've avoided the  
20 issue and one said they couldn't give it, they'd have to  
21 check with somebody else and how where you able to get  
22 that when we couldn't?

23 MR. HUBER: There are two ways. One, we had to  
24 sue them, we did that. And like I said, the case that  
25 calls the police department and creates this database

1 that tracks police officer's names, the types of  
2 complaints and the disposition of those complaints was a  
3 direct result of that case.

4 That case was before Judge McQueen and Judge  
5 McQueen did in fact hold that all of those records  
6 regarding citizens complaints of police brutality are  
7 public records, but the judge also invited them to file a  
8 motion for a stay, which means that we can't disclose the  
9 information until the Supreme Court deals with it.

10 Right now I'm sitting on a database about 15  
11 pages along that traces every citizens complaint against  
12 every Charleston police officer for the past 12 years and  
13 I can't disclose it until the Supreme Court rules on the  
14 case.

15 MR. HINTON: That was my next question.

16 MR. HUBER: Now, if you want me to sue, I might  
17 be able to represent you. The other thing is on the  
18 curfew statistics, they willingly provide this to you.  
19 If you make that request for the curfew statistics, the  
20 ones that I talked to you about saying if you're black,  
21 you're going to be arrested, if you're white, you're not,  
22 you can get that and I'm sure they're keeping those  
23 statistics.

24 MR. HINTON: Time line, you have a stay from  
25 Judge McQueen, when do you think there may be some



1 resolution to the Supreme Court appeal?

2 MR. HUBER: The stay will be in effect for  
3 about 12 more days and I'm waiting right now to see  
4 whether or not the City is going to in fact appeal the  
5 case. It's my understanding that they are going to  
6 appeal the case and that's good because right now there's  
7 no decision on --

8 MR. HINTON: If they appeal it, does the stay  
9 automatically extend itself?

10 MR. HUBER: Yes. It will be in effect until  
11 the Supreme Court rules on the case.

12 MR. HINTON: Okay.

13 MR. HUBER: Other jurisdictions have addressed  
14 this issue and most jurisdictions that have looked at the  
15 demands have stated that the citizens have an absolute  
16 right to review, under the Public Records Law, the  
17 Freedom of Information Act, complaints against police  
18 officers and the disposition of those complaints.

19 MR. HINTON: I'm a wishful thinker. Assuming  
20 that they don't prosecute their appeal within the time  
21 period, then the stay is lifted?

22 MR. HUBER: The stay is lifted.

23 MR. HINTON: Would you be willing to  
24 immediately forward some of that information to our staff  
25 attorney in Washington, D.C.?

1 MR. HUBER: Absolutely.

2 MR. HINTON: Okay. Thank you.

3 MS. ROPER: Reverend Davis?

4 REV. DAVIS: I'm curious, how many black  
5 officers do you have on the force at this time?

6 UNKNOWN: It usually varies between one and  
7 two.

8 REV. MURRAY: They have one black and their  
9 checks and procedures are also bias culturally and again  
10 -- again, I've had an opportunity to review not only  
11 Charleston, but the state, they will not tell you openly,  
12 but disclaimers on all the tests that have been given,  
13 openly have a disclaimer that states that the test is  
14 culturally bias, but the test is administered knowingly  
15 to eliminate African-American positions in police areas  
16 in this state, as I had an opportunity to review and also  
17 to review some of the transcripts in litigations that  
18 have occurred in regards to some cases that have been  
19 brought against the City of Charleston.

20 REV. DAVIS: I didn't finish my question.

21 MS. ROPER: Okay.

22 REV. DAVIS: Reverend Murray, I just wonder how  
23 many -- if this panel looks at the (inaudible) City of  
24 Charleston in the last year, currently there's an EEO  
25 report that they've hired 13 police persons and no

1 blacks. This gives us a basis for meeting with the City  
2 of Charleston and asking what they are really doing.

3 There's no females, no blacks in the last year.  
4 (Inaudible.) Well, six or seven years, really.

5 MR. HINTON: We've requested EEO-4, EEO-5 forms  
6 from the various city municipalities and nothing has been  
7 forthcoming.

8 REV. DAVIS: Nothing has been forthcoming.

9 MS. ROPER: Okay. Go ahead and then Mr.  
10 Carter.

11 REV. MURRAY: Reverend Davis, again, as a  
12 member of the Police Civil Service Commission, I had an  
13 opportunity to speak with the officer who was in charge  
14 of recruitment, Captain Wilson, am I correct on that?

15 UNKNOWN: Rita.

16 REV. MURRAY: Rita Wilson and in an in depth  
17 discussion, she related to me that there were no -- there  
18 was no budget in place to ensure minority participation  
19 in the recruitment process and I said to her how can you  
20 be serious about ensuring minority participation when you  
21 don't budget it? Those things that you don't budget,  
22 you're not concerned about. I think it has been resolved  
23 that this city is not concerned, Reverend Davis. Thank  
24 you, sir.

25 MS. ROPER: Mr. Carter.

1           MR. CARTER: I'll direct this to the Chair. Is  
2 there any way for the local branch of the NAACP or any  
3 other local branch or the state to obtain local  
4 breakdowns on every level of relationships in the  
5 criminal justice system of our blacks here?

6           That means from contact with school systems,  
7 because you see there's some kind of early identification  
8 systems going on in the public school systems which makes  
9 them worthy candidates for intimidation and then  
10 , incrimination (inaudible) and we're trying to figure out  
11 how all of this works.

12           There is a system that appears to work there  
13 for early identification to keep kids in school because  
14 of problems. There is some relationship with all this  
15 prevention money, Crime Prevention for Youth, but I've  
16 never found a black person who is a director or makes a  
17 penny off the crime prevention money to prevent crime  
18 primary targeted to black children.

19           There may be some here in this county, but I  
20 know we can't find any in Huntington, so I'm trying to  
21 find a way, is there some group other than the police  
22 department that is responsible for this because there's  
23 no reason for me to trust the police are doing anything  
24 and is it possible that the State Human Rights Commission  
25 could be empowered to gather this data and increase

1 funding? We need that kind of information.

2 MR. LINDELL: I'm not sure who would have that  
3 kind of data. I don't know that there's any kind of  
4 central repository for that kind of data or --

5 MR. CARTER: The early targeting. We met with  
6 magistrates on Tuesday night, 17 magistrates and we  
7 looked for the first time at the discretion a magistrate  
8 has for alternative sentences. I'll tell you, I was  
9 ignorant about the power of the magistrate to do  
10 alternative sentences.

11 MS. CHIZ: And if you look at pre-trial  
12 detention of youth, of students, you will find a  
13 disproportionate, way disproportionate minority  
14 population among pre-trial detainees because it is very  
15 well documented nationally that minorities are much more  
16 likely to be stopped, they are much more likely to be  
17 arrested, they are much more likely to be taken in.

18 Minority juveniles are much less likely than  
19 whites to be released to the custody of their parents.  
20 Therefore, pre-trial detainees would be overwhelmingly  
21 minorities in almost every place in the country.

22 MR. LINDELL: The Division of Criminal Justice  
23 Services I know does have information relating to  
24 juveniles broken down by race and gender within the  
25 criminal justice system and they produce reports.

1           MR. CARTER: But is there way -- through the  
2 help of this Commission, can we get this narrowed down?  
3 We know there's something going on, we don't have the  
4 evidence.

5           We met with the judges Tuesday a week ago and  
6 we told the judges the NAACP is willing to work with them  
7 in alternative sentencing for our youth. They said it  
8 was a God send because we'd never had that dialogue  
9 before, with some minsters, other leaders in the  
10 community and the NAACP for alternative sentencing.

11           We met with the magistrates, 17 of them, on  
12 Tuesday night. The magistrates explained the whole  
13 system because I didn't realize they had the discretion  
14 to do the same thing.

15           This coming Tuesday evening, after the march,  
16 we meet with the school board. We're going to hook these  
17 systems up and we're going to find out, but we need all  
18 the expertise that we can receive from every group and  
19 there needs to be a group empowered and the logical group  
20 appears to me to be Ms. Lee and the overseers, but they  
21 have to have money.

22           They have to have money to do these reports, so  
23 that an annual report would be forthcoming for every  
24 county giving us the data on the status of our kids, from  
25 school to pre-sentencing, so we can identify how many are

1 out there that are in trouble.

2 Prevention is the solution and we're not  
3 dealing with prevention.

4 MS. CHIZ: There's nothing you can do with a  
5 snapshot, a sample randomly, once a month for six months,  
6 on what this population looks like, if you want to get  
7 the race statistics, but it would just be a snapshot.

8 MS. ROPER: I don't know we have the answers to  
9 that right now, but that's something that we can try to  
10 keep searching for and find out our resources.

11 UNKNOWN: Human Services has a lot of that.

12 MS. ROPER: You do have that?

13 UNKNOWN: We run all the detention and  
14 correction facilities for juveniles in the state, the  
15 West Virginia Division of Juvenile Services. The problem  
16 lies with we don't do the policing, it's circuit judges  
17 and magistrates and it's something that we as a division  
18 have asked for, the use of alternative sentencing because  
19 of the over crowded situations that occur in our  
20 detention facilities state wide.

21 Right now, I would venture to say that every  
22 detention facility in West Virginia is in violation of  
23 VAHHR licensing because of over crowding and that over  
24 crowding comes because judges elect not to use a lot of  
25 the alternative sentencing things that are available to

1 communities because, number one, they cost money.

2 Home confinement costs about \$12 to \$15 a day  
3 and it's cheaper to put them in a state facility where it  
4 doesn't cost you anything. So there's a reluctance among  
5 circuit judges who have elected to have the -- who are  
6 the only ones that have the authority to order to place  
7 kids in detention.

8 We can begin to maintain a database, we can  
9 have a daily count, we can tell you how many females, how  
10 many African-Americans, how many Hispanics, anybody  
11 that's in our facilities. We can begin tracking and we  
12 are in the process of developing a tracking system for  
13 that very purpose.

14 We can make that available, but it is a  
15 disproportionate number of African-American juveniles in  
16 detention and correctional facilities.

17 MR. CARTER: You've been very helpful.

18 MR. LINDELL: I have one question.

19 MS. ROPER: Okay.

20 MR. LINDELL: Reverent Murray, as a member of  
21 the Civil Service Commission and as chairperson, what  
22 authority does the Civil Service Commission have to  
23 impact the testing and the selection process?

24 REV. MURRAY: What we did this year, we  
25 contacted NOBLE, the acronym meaning --



1 MS. CHIZ: National Office of Black Law  
2 Enforcement.

3 REV. MURRAY: Thank you very much. And I  
4 dialogued with the executive directly and asked him if he  
5 will be kind enough to give us a test that we could  
6 administer here in the City of Charleston that would not  
7 have a bias effect and I must be very honest and tell you  
8 that I was able to do that because the make up of the  
9 Commission at that time was somewhat motivated the mood  
10 of (inaudible).

11 He provided us a test from an agency in  
12 Philadelphia that had a near zero effect and there are  
13 tests that are available; if the Commissioners and those  
14 in charge would dare to go and explore.

15 We literally -- and it cost some money. A lot  
16 of times no one will do these things because again, it  
17 costs money, but they did purchase a test and the test is  
18 in process for promotion for -- the next promotion test  
19 for senior officers, as well as entry candidates and  
20 we're hoping that that will have a positive effect on  
21 minorities who take the test because one of the  
22 prerequisites is that you must have a good test.

23 MS. ROPER: Okay.

24 MR. HINTON: If we're able to get fairer, more  
25 representative tests, we may get more people hired, but I

1 keep hearing, however, there's a lack of blacks in law  
2 enforcement, lack of females in law enforcement, but more  
3 importantly, I hear that there is an inability or an  
4 unwillingness of white officers to deal with the larger  
5 community in a respectful way.

6 What would you recommend as community and civil  
7 rights leaders that could and should be done that would  
8 make white officers better able and more willing to deal  
9 with the community at large and not have this woman here  
10 -- I mean, she's a white woman and she's in fear and she  
11 works with the criminal element and she's more in fear of  
12 the police than she is of the criminal element that she  
13 deals with.

14 There's troublesome, so if we can get a test,  
15 we can get more people hired, but still we've still got  
16 the population that is already there. What do you  
17 recommend that we do with them, because it's been my  
18 experience -- I'll say one thing. It's been my  
19 experience over the years that if you have a black police  
20 officer, two or three or however many, every time there's  
21 a problem in the black community, he is sent there and  
22 it's like white folks can't deal with black problems.

23 There aren't white problems, there aren't black  
24 problems, there are people problems and what do you  
25 recommend that we do to with white officers so they can

1 deal with people problems and not black problems, as they  
2 perceive them to be?

3 MS. CHIZ: I think that's the issue, that -- I  
4 think I (inaudible) witness here for exactly what we're  
5 talking about, which is that there is -- and I hate to  
6 belabor the word "sensitivity," but there is a real lack  
7 of understanding on the part of many of us to get to know  
8 the people we work with on a regular basis, whether they  
9 are our clients and that client base, whether it be our  
10 customers, whether it be (inaudible), the people we deal  
11 with on a daily basis.

12 If we really try to understand who those people  
13 are, who are these people? We can (inaudible) community-  
14 oriented policing, we can say that all we want, but if  
15 police officers don't know the community, then what are  
16 we asking them to do?

17 MR. HUBER: Mr. Carter, you had a comment. Go  
18 ahead.

19 MR. CARTER: In every other aspect of corporate  
20 life there are attitudes, tasks, responsibilities,  
21 duties, training and certification, a real structure.

22 If we want to make the police department a real  
23 structure that serves the community, we will try to do  
24 promotions, recognition, some sense of stability that is  
25 measured by that word that's over-used, sensitivity

1 training.

2 If you don't take sensitivity training, you  
3 don't get promoted. If you don't get promoted, you don't  
4 get no money. It's very clear and simple.

5 Now, I don't know how that works out with the  
6 Commission, but it would appear to me since everything  
7 else works along those lines, inducements, incentives and  
8 accomplishments that are easily measurable, that would be  
9 a way to make --

10 MR. HINTON: Mr. Carter, I understand that, but  
11 remember the major corporation that had the sensitivity  
12 training and they had corporate executives who made  
13 mockery about it and were talking about the jelly beans  
14 and the Jews and the blacks?

15 Training is one thing, but to me that's not  
16 good enough. Do you have any other suggestions?

17 MR. CARTER: But if you marry that, if you  
18 marry it to promotions, that's different than talking  
19 about it because you're talking about corporate  
20 executives versus making advances towards -- that you  
21 achieve these levels.

22 MS. ROPER: Could you go to the mike, please,  
23 and make your comment?

24 UNKNOWN: You don't know people unless you work  
25 with them. In Burk County we have all our policemen in

1 cars, they do not have contact with people until they see  
2 something that they think is probable cause in Burk  
3 County is what they think probable cause is, it's not  
4 what the law says.

5 MS. ROPER: Where are you from?

6 UNKNOWN: Parkersburg. If you don't deal with  
7 people, how do you understand people? You can't teach it  
8 in a book. I am for education, but there's lots of  
9 things you can't teach in a book. Without doctors having  
10 their training for two years, they can't operate, so that  
11 says you can't teach it from a book. We're not teaching  
12 these people and we're not teaching them to have  
13 consideration for others.

14 And is power that I see behind these people and  
15 that means there is a lack of security and when you put  
16 that hand on your gun, anybody is afraid of that. That's  
17 a source of power right there, so we need something to --  
18 if they can't deal with people on the street by walking  
19 and dealing with them, when they get in their car, you  
20 don't even know where they are, you can't get a hold of  
21 them.

22 MS. ROPER: Reverend Davis.

23 REV. DAVIS: I think we need to face the fact  
24 that racism permeates our entire culture (inaudible) and  
25 but for countless groups such as ACLU and the NAACP that

1 bring to the attention, to the exposed front, racism is  
2 going to keep on doing its dirty work.

3 I think we have to face the fact that you have  
4 to have an external force, such as we are, that pulls the  
5 cover off the racism behavior by these legally  
6 constituted segments of government and if you don't have  
7 that, you're not going to get results.

8 I happen to believe passionately that it is not  
9 our responsibility to do for city government what city  
10 government ought to do in terms of inclusiveness and  
11 equity and fairness, not to do their job and I don't get  
12 caught up in that, but it is our responsibility to call  
13 it as we see it, to expose it through the media and  
14 whatever means are necessary in order that justice may be  
15 done.

16 MS. ROPER: Reverend Murray, did you have a  
17 comment?

18 REV. MURRAY: I agree whole-heartedly with  
19 Reverend Davis. I think that the issue of the prevailing  
20 attitude of non-tolerance for officers who display  
21 conduct that we know is incorrect.

22 I would also recommend and I know that it was  
23 at one time in effect here in our city, ongoing diversity  
24 training that is totally mandatory so as to keep the  
25 level of consciousness of the police officers aware of

1 what his responsibilities and duties in the community  
2 are.

3 I think that lies again in what Brother Davis  
4 said, those who are in the administrative positions must  
5 ensure that those policies are in effect and are ongoing.  
6 Just having one a year is not enough, it must be an  
7 ongoing quarterly training process that ensures that  
8 there is a sensitivity in the community that we can  
9 hopefully, hopefully, hopefully eradicate the syndrome  
10 that we have there, the profiles that are currently  
11 allowed. Even though the police won't admit it, they  
12 know it's there and sensitivity training I think would be  
13 one of the ways, ongoing sensitivity training.

14 MS. ROPER: Could you come to the mike, please?

15 MR. STAPLES: I just wanted to say that I have  
16 to agree with the Chair, that it goes back to recruiting.  
17 Like I said earlier, it's a gamble, if you hire somebody  
18 that doesn't have strong interpersonal skills, that  
19 you're going to be able to teach that, so it goes back to  
20 your recruiting, from the very beginning.

21 The test should measure -- should draw out  
22 those people, those candidates that have the profile that  
23 you're looking for for police officers, then that  
24 training makes sense because you build on those  
25 strengths. But to try to take somebody and make them

1 something that they're not by training is not going to  
2 happen.

3 My father used to say you can't make a race  
4 horse out of a bank mule. You can't go out and recruit  
5 one thing and try to make it another. The testing  
6 questions should draw out those people that have the type  
7 of things that you want in police officers and then you  
8 can build with good, strong training in sensitivity.

9 But if I don't have good interpersonal skills  
10 and I don't like to be around people, you can tell me all  
11 day long, it's not going to make me go over and interact  
12 because I'm out of my comfort zone and when I'm not  
13 comfortable with people, if I'm not comfortable with  
14 people of color, I'm not going to interact with them.

15 So if you look around, we see that people stay  
16 in comfort zones, because if you look, all the police  
17 officers are on one side of the room. There is no  
18 philosophy of interacting with the community. We see the  
19 line is drawn right here, all of them on this side,  
20 everybody else on that side, so if the top is not  
21 interacting, neither is the bottom.

22 MS. ROPER: In defense, the past two hours I  
23 think they've been beat up on pretty good, so I think I  
24 would be in a corner with my allies also, but we are  
25 going to hear from representatives from the police



1 department at our next panel session and to respect time,  
2 I have one last comment. Could you come to the mike to  
3 give your last comment?

4 UNKNOWN: He's talking about all the police are  
5 on that side, I'm a police officer.

6 MS. ROPER: Okay, good. To respect our time  
7 and so that we can hear from our other state and federal  
8 officials, we'd like to take a break at this time.

9 We'd like to thank you so much for coming, this  
10 dialogue is so important, if you weren't here, we  
11 couldn't have this interaction.

12 (Applause.)

13 MS. ROPER: We will resume at 2:40 promptly.  
14 We'll see you back then.

15 (A brief recess was taken.)

16 MR. LINDELL: We'd like to get started with our  
17 next panel. I'm Normal Lindell and I've been selected to  
18 be moderator for this panel.

19 As we did in the earlier panel, we would like  
20 to leave time for discussion, both with questions from  
21 the Committee, as well as comments and questions from the  
22 public, so we would like each of the participants to keep  
23 their comments to about 12 minutes or so.

24 It's my pleasure to introduce this panel.  
25 First we will hear from the Attorney General of the State

1 of West Virginia, Darrell V. McGraw. Those of us in the  
2 civil rights community have no greater friend than the  
3 Attorney General, Mr. McGraw.

4 He has been a steadfast champion of civil  
5 rights and speaking from the Human Rights Commission, he  
6 gives us more support than you could possibly ask for.  
7 He's just absolutely a friend to us and to all others in  
8 this field. Mr. Attorney General.

9 MR. MCGRAW: Thank you, Norman, and I thank you  
10 for saying that. (Inaudible.)

11 There are two that I would like to address  
12 today, there's the Civile Rights Team Project and the  
13 West Virginia Hate Crime Taskforce. Let me start first  
14 with the Civil Rights Team Project.

15 The Civil Rights Division of the Attorney  
16 General's Office has been designed to address bias  
17 (inaudible). The program is modeled off to a project  
18 which we learned about in Maine, which started four years  
19 ago and we began with (inaudible). We work in  
20 conjunction with high schools, 12 at this time, and we  
21 hope the project will expand to include more schools in  
22 the coming years.

23 We operate in this area where we have two  
24 operational propositions. The first, the observation  
25 we've experienced with the number of school-related cases

1 has led us to the conclusion that most youth violence is  
2 related to racism (inaudible).

3 We've noticed that the violent incidents that  
4 catch the attention of the larger community or call for  
5 legal action usually occur after a pattern of harassing  
6 (inaudible) in the school setting and that's over a long  
7 period of time.

8 We believe that a higher intolerance should be  
9 addressed at the earlier stages of the process and  
10 (inaudible).

11 The second proposition of our (inaudible)  
12 project is that students put their energy and potential  
13 for idealistic and compassionate action are (inaudible)  
14 for addressing the problem.

15 Students, if given the appropriate tools and  
16 encouragement can be the most important part of the  
17 strategy for that school to be tolerant, respectful and  
18 consequently, students.

19 The central theme of the Civil Rights Team  
20 Project is the citizenship. We all share responsibility  
21 as part of our community and in this case, it's still  
22 community.

23 The core of the Civil Rights Team Project is a  
24 team of students in each school, three or four perhaps at  
25 each grade level, making up an overall team of 12 to 20

1 students.

2 They are selected by their school for their  
3 commitment to making a difference on this issue and their  
4 willingness to be active citizens of their schools. Each  
5 team operates with the guidance of a few faculty advisors  
6 from the school and it is designed also (inaudible).

7 The primary function of the team is to engage  
8 in projects throughout the year designed to make the  
9 school a more tolerant place. The projects are entirely  
10 selected and designed by the students themselves, making  
11 use of their own wisdom, creativity and leadership.

12 These projects raise awareness among fellow  
13 students of the harms caused by name-calling and bullying  
14 and they've given the message to fellow students that  
15 intolerant behavior does not have the approval of most  
16 students.

17 In addition, since intolerance often festers  
18 unnoticed by the faculty or administration until it  
19 explodes, the Civil Rights Team also offers a channel  
20 through which a concerned student can complaint and by  
21 which appropriate authorities can learn of the serious  
22 problems before they erupt.

23 The Civil Rights Division of the Attorney  
24 General's Office training and encouragement to these  
25 Civil Rights Teams are through their faculty advisors.

1 All faculty advisors received a full day of training  
2 before the program began in the fall.

3 Then once the teams have been selected at the  
4 schools and the teams are assigned regionally for a full  
5 day of orientation and training. From this point on, the  
6 real work takes place as the school level.

7 However, throughout the year the Civil Rights  
8 Division stays in touch with them and provides various  
9 forms of support to the teams. In addition, the entire  
10 faculty at each participating school is given the benefit  
11 of a half day in-service training program on improving  
12 respect and tolerance within the school.

13 Our project is new, but it appears to be going  
14 well in the participating schools. Teams have found  
15 creative ways of introducing themselves and their message  
16 to their peers. They use video segments and bulletin  
17 boards. One team designed posters on the theme of  
18 respect, another team came up with a lunch table switch  
19 as a way of encouraging students to talk with others they  
20 normally don't sit with.

21 We are confident that in the course of engaging  
22 in these activities, these students are making themselves  
23 into better citizens and making their schools into more  
24 respectful and safer environments.

25 This month we brought together students and

1 faculty, invited for them to speak at a one day  
2 conference here in Charleston where we were able to share  
3 experiences with their peers. After a full day of work  
4 shops and entertainment, we presented them with  
5 certificates and plaques, evaluations filled out by the  
6 students and faculty advisors and foremost, that the  
7 program is off to a good start.

8 We anticipate that it will grow and contribute  
9 to having a safe and harassment-free environment in the  
10 schools here in West Virginia where students will be able  
11 to obtain an education in (inaudible).

12 Let me touch now for a moment upon the West  
13 Virginia Hate Crimes Taskforce. Since 1992 the Attorney  
14 General's Civil Rights Division -- I actually should put  
15 this started in the year that I was running for and not  
16 the first year as Attorney General, so this particular  
17 program precedes me and I was fortunate to have this  
18 there when I arrived.

19 The Attorney General's Civil Rights Division  
20 has been an active partner in the West Virginia Hate  
21 Crimes Taskforce. The taskforce is a working group  
22 organized under the auspices of the West Virginia Human  
23 Rights Commission for the purpose of both planning and  
24 carrying out initiatives to address the bias motivated  
25 crimes and other similar manifestations of intolerance

1 within the state.

2           The taskforce was formed as a place for public  
3 officials, law enforcement agencies and community  
4 organizations to work together to better address the  
5 problem of hate crimes. The taskforce has been and  
6 continues to be an example of positive (inaudible)  
7 relations in West Virginia.

8           The taskforce includes representatives from  
9 every level of law enforcement, federal, state and local.  
10 It's members include police officers, prosecutors,  
11 probation officers, victims assistance representatives  
12 and human rights workers.

13           Its members also include representatives of  
14 civil rights organizations, civil liberties organizations  
15 and educators.

16           Working together under the leadership of the  
17 Civil Rights Division, this collaboration of public and  
18 private entities have taken important steps toward  
19 improving civil rights protections within this state.

20           A central focus of the work of the taskforce  
21 has been the training of police officers and other law  
22 enforcement officials on how to respond effectively to  
23 hate crimes.

24           With financial assistance from the United  
25 States Department of Justice and the West Virginia

1 Division of Justice Services, the taskforce has created  
2 in-service training which we call "Responding to Hate  
3 Crimes," which has been delivered in approximately 30  
4 separate sessions around the state. Over the past three  
5 years, hundreds of police officers have attended this  
6 training.

7 Recently the taskforce has begun to set up a  
8 network of designated civil rights officers. This is a  
9 program which has been recommended by the International  
10 Association of Chiefs of Police and the United States  
11 Department of Justice and used very successfully in rural  
12 states with a large number of small police departments.

13 With the assistance of the Governor's Office  
14 and Equal Employment Opportunities, each police  
15 department in the state has been invited to designate an  
16 officer who is or will become knowledgeable on the  
17 subject of hate crimes and this person will be the point  
18 of contact for that department on this issue. So far the  
19 response from the police departments has been good.

20 Working in conjunction with the Human Rights  
21 Commission, the taskforce has also established an  
22 information and referral call in line for the reporting  
23 of hate crimes and similar manifestations of intolerance.  
24 This has made it easier for citizens to report hate  
25 crimes and to get information on how to obtain various



1 types of assistance. Thank you.

2 MR. LINDELL: Thank you, sir. Now I'd like to  
3 introduce Mr. Chuck Miller, with the United States  
4 Attorney's Office here in Charleston.

5 MR. MILLER: Thank you, Your Honor. Let me  
6 just very briefly say that since 1989 I've been the civil  
7 rights point of contact in the U.S. Attorney's Office  
8 here in the Southern District of West Virginia and as  
9 part of my duties, I receive and review those  
10 investigations that are conducted by the Federal Bureau  
11 of Investigations alleging violations of civil rights,  
12 primarily by police officers and the vast majority of  
13 them are excessive force cases in the arrest context.

14 Those investigations are subsequently reviewed  
15 also by the Criminal Section of the Civil Rights Division  
16 of the Department of Justice. While we have some  
17 authority to unilaterally pursue those cases by grand  
18 jury investigation and/or prosecution, we have to do so  
19 in cooperation and coordination with the Civil Rights  
20 Division, Criminal Section.

21 If the case involves the death of an individual  
22 or it's a case that has some national notoriety, the  
23 Civil Rights Division of the Department of Justice has  
24 the primary authority in decisions whether to prosecute  
25 or not. Generally speaking, when we review these cases

1 for legal sufficiency, there are rare instances where we  
2 disagree.

3 I would say this about criminal prosecution of  
4 law enforcement officers in the civil rights context,  
5 while I think it is an important aspect of the criminal  
6 justice system, I think it's important that the public  
7 view the criminal justice system as prosecuting police  
8 officers as well as other individuals who violate the  
9 law, they're probably some of the more difficult cases to  
10 prosecute.

11 Typically, the investigations disclose evidence  
12 that is conflicting, police officers quite frankly make  
13 very good witnesses because of their experience in  
14 testifying before juries. They're very difficult to  
15 convict. I brought some numbers with me that I'll share  
16 with you.

17 In fiscal year 1999 51 police officers were  
18 criminally charged with civil rights violations in the  
19 United States. Of those 51, 31 were convicted, 20 by  
20 pleas, so 20 of those police officers pled guilty, 31 of  
21 them went to trial, of those 31 who went to trial, 20  
22 were acquitted and those are not unusual numbers in  
23 connection with civil rights prosecution.

24 They're very difficult cases to prosecute, I  
25 think they're very important cases and we have in the

1 past prosecuted cases based upon evidence that I guess  
2 less than what we would like to have in these kinds of  
3 cases.

4 Typically you have police officers who are  
5 witnesses, again there is some difficulty associated with  
6 cooperating with authorities in connection with the  
7 testimony against a fellow officer. We run into that on  
8 occasion.

9 Oftentimes those individuals who are the  
10 victims of these civil rights excessive use of force  
11 cases are people who have extensive records and they  
12 frequently don't make good witnesses in the presentation  
13 of these cases in court.

14 We are the very, very narrow tip of the  
15 solution to the overall problem. I don't see criminal  
16 prosecution as the solution, I see it as a small part and  
17 certainly an important part, but the much broader  
18 question as to what causes police officers to violate the  
19 rights of individuals by using excessive force or to  
20 single out minorities for particularly bad treatment is a  
21 far broader problem than simply the prosecution of  
22 individuals.

23 I've looked at the numbers nationally and  
24 compared those with the statistics that we keep in our  
25 office. I don't find that the Southern District of West

1 Virginia is outside the norm with respect to the numbers  
2 of cases that are reported to us.

3 I would say this, I suspect that the number of  
4 cases that come to my attention are far less than the  
5 number that actually exist. I think that there is  
6 probably a great deal of mistrust for the way the  
7 government handles a complaint and as a result, people  
8 lose interest, they don't come in, they don't pursue the  
9 cases, they don't pursue their complaints and a good many  
10 of those probably never reach my desk.

11 I would also say that the cooperation that I  
12 get from most of the departments in the state is very  
13 good in connection with our criminal investigations. I  
14 don't run into institutional resistance, for the most  
15 part I do get cooperation when we do a grand jury  
16 investigation from the departments in the state, with  
17 some exceptions.

18 But our numbers don't stand out as being much  
19 different than those nationally, although again, I  
20 suspect that they are tremendously under reported because  
21 people simply don't come forward, they don't report, or  
22 if they do report, they don't follow up because of  
23 mistrust of the system or mistrust of the individuals  
24 doing those investigations.

25 I'll be happy to answer any questions at the

1 appropriate time that anyone has about civil rights  
2 prosecutions on the federal level.

3 MR. LINDELL: Thank you, sir. I'd like to  
4 introduce Captain Steve Cogar, who is the Director of  
5 Training for the West Virginia State Police Academy.

6 MR. COGAR: Thanks, Norm. I, like Chuck, don't  
7 pretend to have the answer to any of the issues today all  
8 by myself, but I can tell you that the West Virginia  
9 State Police has been working for the past five to six  
10 years, at least to my knowledge, to address many of the  
11 issues that have been mentioned today.

12 Again, not having any pat answers, I can only  
13 tell you what we've done and take suggestions for the  
14 future.

15 We recognize that the police department can't  
16 run viably unless we address about five areas, starting  
17 with personnel. I think Former Chief Staples said it  
18 very well, that you have to identify and recruit the  
19 proper people, screen them appropriately and then put  
20 them on the job.

21 Then comes the part I'm most interested in at  
22 this time and that's training. The notion of how you  
23 train a police officer or I can say how to properly train  
24 any adult is a very controversial subject these days.  
25 What's the best way to teach people to do things? We

1 fight with that at the State Police Academy, just like  
2 our friends in higher education do. What's the most  
3 effective way?

4 You have to address the third area and that is  
5 proper policy. Police officers in every part of this  
6 country are guided by policy. I sit on the International  
7 Chiefs of Police Association's Board on Pursuits and I'm  
8 an advisory consultant to them and I can you tell you we  
9 meet with police departments from all over the country,  
10 what constitutes a proper police pursuit policy is pretty  
11 well up in the air and I think will continue to be.

12 The next area that we care to address is  
13 supervision, appropriate, proactive police supervision  
14 where trained supervisors are held accountable for what  
15 they do. We've made great strides in that area in the  
16 past five or six years.

17 Finally, something the state police has been  
18 embroiled in for many years, the proper administration of  
19 discipline, specifically with regard to internal affairs  
20 issues.

21 I'm going to concentrate mostly on training,  
22 but I'm prepared to deal with questions on those other  
23 areas as well.

24 I have recently taken over as Director of  
25 Training for the State Police, in fact I've been on the

1 job about seven weeks, so I can only offer you what I  
2 plan and what my predecessor did.

3 We're looking at the curriculum and understand,  
4 the curriculum that we deal with is by in large dictated  
5 to us by the Law Enforcement Training Subcommittee, the  
6 Governor's Committee on Crime, Delinquency Infractions  
7 and I sit on that committee as a proxy for the  
8 superintendent from time-to-time and again, that's where  
9 the bulk of our curriculum comes from, they tell us what  
10 to teach and that's what we try to do.

11 We do add other courses and I'm going to get to  
12 that here in a few moments, as we see the need. We try  
13 to execute that plan and that is lawfully prescribed and  
14 carried out by us for the committee and we train most of  
15 the police officers in this state and have for a number  
16 of years.

17 Some larger city police departments, like  
18 Charleston, on occasion have their own academy, but  
19 essentially most police officer have come through my  
20 academy in the last -- well, the last 20, 25, 30 years.

21 We've started some initiatives, working with  
22 the Regional Community Policing Institute. One thing  
23 we're going to be doing this summer in conjunction with  
24 West Virginia State College's Criminal Justice Program,  
25 is doing complete curriculum review of what we do in all

1 aspects, with an eye toward making recommendations to the  
2 Law Enforcement Training Subcommittee for changes, if  
3 that's what comes up.

4 There's a move afoot now and we're responding  
5 to that right now, dealing with changing the way we  
6 train, going away from didactic lectures in the classroom  
7 setting and moving into scenario based interactive  
8 training, to teach folks how to deal with people. Not  
9 only bad people, but good people.

10 You know, most of the people we run into aren't  
11 bad people as police officers and we need to know how to  
12 deal with the good people. Most of our training now is  
13 how to shoot people, how to use defensive tactics and  
14 protect yourself and certainly that's important, too,  
15 because police officers die every day of the year on this  
16 job, it's a fact of life. We have a lot of law  
17 enforcement fatalities and we have to train on those  
18 events.

19 There are a lot of folks that want to see us  
20 doing interactive scenario based training and I'm one of  
21 them. I think that's the best way to do it. Let's put  
22 them on the street ready to go.

23 Right now our basic program consists of 700  
24 plus hours, our cadet program is twice that amount.  
25 There's a lot of curriculum to look at.



1           When I talked about adding classes that the  
2 LETC doesn't necessarily mandate, here are some of things  
3 that we've done. In conjunction with our EEO counselor,  
4 who we have as a full time asset, who is stationed at the  
5 academy with me, we now teach cultural diversity and  
6 sensitivity.

7           This has been an ongoing thing in our  
8 department for a number of years, both state mandated and  
9 at the suggestion of our EEO counselor. We have monthly  
10 training that comes from the academy and a lot of that  
11 training involves cultural diversity, hate crimes type  
12 issues and again, I think the point was made here you  
13 have to raise the awareness.

14           We are a predominantly white male police force  
15 and have been for years, so we know that we need to raise  
16 the awareness in these areas. We try to do that through  
17 training and through proper supervision. We are now into  
18 a series of programs called Critical Focus, we teach  
19 dealing with disabled folks. How do you deal with people  
20 who are hearing impaired, how do you deal with the blind,  
21 how do you deal with folks that are in wheelchairs, those  
22 sorts of things.

23           We have an extensive course now in our cadet  
24 training program dealing with the issue of police ethics.  
25 We have sent several people to receive instructor

1 certification in this area and all the police cadets now  
2 receive ethics training.

3 In terms of outreach, we've done a lot of  
4 things that aren't necessarily based in our academy, but  
5 one thing is and that is the COPS training. Like it or  
6 not, the idea involved in the COPS training is to get  
7 police officers more involved with the community, as the  
8 lady from (inaudible) said, out of the cars and into the  
9 communities.

10 We are a large rural police force in the state  
11 police and we don't have beats per se, but that doesn't  
12 mean we're stuck in our cars. It's tough to walk a beat  
13 when you cover Kanawha County, you can get out of your  
14 car still.

15 Our outreach efforts -- then I'll cut it off,  
16 we have recently, in the past year, assigned community  
17 liaison officers, we have six of those all over the  
18 state. One of their primary duties is focused recruiting  
19 with an emphasis on women and minorities and we're trying  
20 to staff that and budget that now to where we can do  
21 better in that area.

22 They're also involved in community based  
23 problem solving. Dealing with the community, that's  
24 their job, community liaison officers, and I imagine,  
25 although this is kind of out of my area, that we our

1 school violence coordinators have been working with the  
2 Attorney General's Office, to some extent, in that  
3 they're training educators on how to recognize the  
4 initial symptoms of school violence and I'm sure there's  
5 been some interaction there, although I'm just guessing.

6 We have one fellow, and I believe he's here,  
7 Lieutenant Nelson with the Regional Community Policing  
8 Institute, and they do a whole bunch of stuff for  
9 outreach, including ethics training, COPS training and  
10 problem solving training.

11 We have our Junior Trooper Academy, which is  
12 designed to acquaint 12 to 16-year old kids with the  
13 state police and it's a recruiting tool we've been using.

14 We have our legislative day at the academy  
15 where we bring our legislators in and try to answer  
16 questions and further connect with them, in terms of what  
17 we're doing.

18 You'll see in the next couple of weeks to a  
19 month a huge billboard campaign that's aimed at promoting  
20 the state police and drunk driving issues and that's  
21 another way we are trying to reach out to the public.

22 We have our Read to Me Program, which is  
23 extremely successful. We had over 200 troopers in  
24 schools reading to grade school age kids this past month  
25 and we continue to work on that.

1           We've very active in Boys and Girls States and  
2 we just recently, at the behest of the Attorney General,  
3 appointed a civil rights officer, based on the  
4 taskforce's recommendations. That's it in a nutshell.

5           MR. LINDELL: Thank you, sir. I'd like to  
6 introduce Mr. Tom Rodd, who is the Senior Low Clerk for  
7 Justice Starcher in the West Virginia State Supreme Court  
8 of Appeals.

9           MR. RODD: Thank you and good afternoon. I  
10 want to convey Justice Larry Starcher's regrets to this  
11 forum. He couldn't attend and he asked me to appear in  
12 his stead and to make a short presentation. However, I  
13 want to emphasize that I'm speaking on my own behalf and  
14 not officially on behalf of the State Supreme Court, who  
15 actually speak through their orders, pretty much.

16           My personal perspective on civil rights comes  
17 from diverse personal and professional experience. I  
18 participated in the civil rights movements of the '60s  
19 and the '70s, I have worked as a state criminal  
20 prosecutor or legal aide lawyer, Deputy Attorney General,  
21 Counsel to the House Judiciary Committee, a law clerk in  
22 the Federal Fourth Circuit Court of Appeals and as a  
23 private practice lawyer.

24           My current work at the Supreme Court involves  
25 working on a wide variety of appeals and also preparing

1 educational and training materials for law enforcement,  
2 the judiciary members of the bar and the public.

3 My boss, Larry Starcher, has been a life-long  
4 advocate for civil rights and activist and we always  
5 monitor developments in that field and at the Supreme  
6 Court, as a reviewing Court, our State's Court of last  
7 resort, we have intimate involvement with issues of  
8 police procedure, for one thing, as they arise in both  
9 civil and criminal litigation.

10 I really appreciate hearing the many  
11 perspectives that have been shared so far today. I've  
12 really learned a great deal from some remarkable people  
13 and I only have a few minutes, so I thought I would take  
14 my allotted time to make a point about civil rights and  
15 police/community relations that I haven't heard yet  
16 mentioned today and I'm a little surprised about it, but  
17 I'm going to talk about it anyhow.

18 That point involves what we call -- we've been  
19 calling, I guess since the mid '70s, the civil war on  
20 drugs and how it effects civil rights and police and  
21 community relations. I choose to discuss this because  
22 our Court recently heard arguments in a case involving a  
23 mother in Tucker County who was convicted of a felony for  
24 growing marijuana that she smoked to reduce the symptoms  
25 of her multiple sclerosis.

1           This case got me into reading some current  
2 literature on our current national drug policy and when  
3 Justice Starcher asked me to prepare a few remarks for  
4 this forum, I saw a connection with what I was reading  
5 with the subject matter of this forum and my own  
6 experiences in the criminal justice system, which as I've  
7 indicated, have been pretty broad and varied, from  
8 different perspectives.

9           What I want to suggest to you all, and I don't  
10 think I'm telling you anything you don't know, they say a  
11 good teacher's role is really to tell their students what  
12 they already know, but I'm going to say it out loud, is  
13 that a substantial portion of the civil rights problems  
14 that face our communities and our law enforcement today  
15 is a direct result of our nation's failed drug policies  
16 of the past three decades.

17           I want to suggest that because of the war on  
18 drugs, the police and the entire criminal justice system  
19 in the last 30 years have been cast into a stereotype  
20 role and that stereotype is as an oppressor of poor  
21 people and racial minorities. Like most stereotypes, it  
22 has an element of truth to it.

23           Similarly, also because of the war on drugs,  
24 poor people and racial and ethnic minorities have also  
25 been cast into a stereotype role and that stereotype is

1 the breeding ground for criminal drug addicts and this  
2 stereotype role also, like all good stereotypes, has an  
3 element of truth to it.

4 In this atmosphere of stereotypes, relations  
5 between communities and the police are much more  
6 difficult and they're charged with very increased  
7 potential for wrongdoing.

8 Now, I'm not an expert on drug policy, but let  
9 me just say how I see things, based on my experiences and  
10 my study. It's just a given that human beings have a  
11 tendency to want to use mood altering substances. Many  
12 of these substances, like alcohol, tobacco, cocaine,  
13 opiates and speed, can be very dangerous and addictive.

14 Putting it more simply, people like to get high  
15 and when they get high, sometimes they get hurt and they  
16 also get hooked. The vast majority of Americans agree  
17 that there is a need for our society to deal somehow with  
18 this tendency of all human beings to get high and hurt  
19 and hooked because a lot of social and personal damage  
20 comes from that tendency.

21 But how to do deal with this tendency is  
22 another question and I think that many Americans,  
23 including many police, judges and prosecutors, for one,  
24 are coming to question our nation's approach of the last  
25 30 years to heavy duty criminalizing of people who have

1 got this tendency and who use these substances and the  
2 real reason that people are questioning it is because  
3 criminalizing the use of these attractive, mood altering  
4 substances, even if they are addictive and dangerous, is  
5 a strategy that has almost uniformly failed in terms of  
6 really reducing or preventing social harm.

7 This criminalizing, stamp it out, zero  
8 tolerance approach to drug policy failed tremendously  
9 with alcohol during prohibition. It would fail with  
10 tobacco, were it tried today, another highly dangerous  
11 addictive substance. And it is failing entirely in  
12 America with substances like cocaine, opiates, speed and  
13 marijuana.

14 So we are, as a society in 2000, learning that  
15 there are no simple answers in this area, if we accept  
16 the fact that they're doomed to failure. We are slowly,  
17 I believe, evolving more effective strategies to prevent  
18 and reduce social and personal harm from drugs, but I  
19 really don't want to get into -- I don't think it's  
20 appropriate to get into today what these different kinds  
21 of strategies are.

22 I just want to accept as a premise that the  
23 current criminal justice model of the drug war has failed  
24 by every measure, not because we haven't tried hard, but  
25 because it really cannot work, no matter how hard you



1 try.

2 Now, the question is I think for this forum to  
3 appreciate or to at least take into your calculus, is how  
4 does this fact of a failed criminal justice-led drug war  
5 interface with the issue of civil rights and  
6 police/community relations, which is what I've heard  
7 everybody talking so eloquently about today.

8 Well, I'm just going to make my suggestions  
9 here and other people can talk from their own  
10 experiences, but my guess is that in the process of  
11 trying to do that which really cannot be done, fighting a  
12 criminal justice style war on drugs, law enforcement for  
13 one thing is disproportionately working amongst poor and  
14 minority race people.

15 Why is this the case? Well, you know,  
16 different people would have different answers to that  
17 question. Some would see the war on drugs as in part a  
18 way to keep minority and poor people down socially and  
19 politically. Some see poverty as a natural breeding  
20 ground for more severe substance abuse problems. There  
21 are many different ways of looking at that question and  
22 answering it and probably elements of truth in every  
23 answer.

24 But whatever the reason, communities that have  
25 larger percentages of racial minorities and the poor are

1 disproportionately where the drug war is being waged.

2           For example, an amazingly high percentage of  
3 young black men are now in the American criminal justice  
4 system as the result of the drug war and to me, this is a  
5 sin. This is a national sin and God will be a long time  
6 forgiving us for this particular sin, amongst our many  
7 sins as a nation.

8           What happens in a war, when people are asked to  
9 fight a war as a criminal justice system is that cannot  
10 be won, what happens, and I think we've seen this all  
11 around the world in many different wars and I won't get  
12 into what they are, is when people are commanded by, as I  
13 said here when I wrote this, moralizing and posturing  
14 politicians to achieve impossible results by making  
15 criminals out of sick, confused but otherwise quite  
16 ordinary and hard working people who have drug problems.

17           I think, and this is just my take on it, what  
18 we see in the criminal justice system is the growth of --  
19 and I think every one of these words is a word that I've  
20 heard people talk about earlier this morning and that's  
21 why I see the connection, frustration, cynicism, lack of  
22 respect for proper procedures, excessive force and even  
23 brutality, blaming the victims, burn out, loss of  
24 professionalism and civility, disregard of human and  
25 civil rights, vices and abuses like racism, sexism and

1 homophobia flourish in the climate of frustration that is  
2 brought about by assigning our law enforcement community  
3 to try to deal with the problem of drugs.

4 In fact, you could see our criminal justice  
5 zero tolerance, lock them up approach to certain drugs as  
6 not just an effective medicine, you could actually see it  
7 as a medicine that causes more of the very disease that  
8 it's supposed to treat, which is social harm and damage.

9 When desperate hooked people seek money for  
10 costly illegal drugs, communities suffer conduct like  
11 theft, mugging and burglary. Guns abound and people are  
12 killed, including law enforcement officers, when drug  
13 entrepreneurs protect their lucrative businesses.  
14 Lucrative because the drugs are criminalized.

15 Police are further frustrated and become, in my  
16 opinion, more cynical when they are trying to protect the  
17 community from the violence that is actually caused by  
18 the failed drug policy that they are supposed to be  
19 enforcing.

20 I heard a lot of talk today about the lack of  
21 black polices officers and this may be a challenging  
22 remark, but I'll throw it out there because I really  
23 appreciated a sincerity of the people who were putting  
24 that out there.

25 Perhaps we should ask how does it feel to a

1 police officer to be required to enforce laws that he or  
2 she believes to be misguided or particularly directed at  
3 the members of his own community? How does it feel to be  
4 a black officer, to be a part of the war that's waged on  
5 sick, addicted people who are disproportionately black  
6 themselves?

7 I can see why some of the best and brightest of  
8 the African-American community might not be interested in  
9 enlisting in fighting the drug war.

10 But it doesn't just extend to black police  
11 officers. You know, under the current criminal justice-  
12 led drug war, the police are asked to present what I  
13 consider to be and I believe that many of them consider  
14 to be absurd messages to their fellow citizens.

15 Sending a DARE officer to a class at WVU or  
16 Marshall or even Riverside High School and telling the  
17 kids that marijuana will ruin their lives is an insult to  
18 the students' intelligence and an insult to the officers'  
19 intelligence. It destroys confidence in the police.

20 Some people might say that drug education  
21 should be a public health job and not a law enforcement  
22 job. Well, does it seem to you -- I think I'm about to  
23 wrap up, Norman. Thank you.

24 I would ask would it be fair to say that in  
25 large part, because of the failed war on drugs, the

1 police and criminal justice are seen in many poor and  
2 minority communities by fully law abiding people,  
3 particularly because of the war on drugs, not just --  
4 racism is not just there, as part of the problem, not  
5 part of the solution.

6 Does it seem that the climate of cynicism,  
7 distrust and fear that we too often see is poisoning  
8 police/community relations has many roots in the failed  
9 war on drugs?

10 There's no easy answers to these questions and  
11 many people much more knowledgeable than me are working  
12 on these issues, but my hope is that as we change and  
13 improve our drug policies in America, and I'm confident  
14 we're going that, that the pendulum has swung as far as  
15 it's going to swing in the wrong direction, that we will  
16 really have improvement in our civil rights and in our  
17 police and community relations and I think that's grounds  
18 for hope.

19 MR. LINDELL: Thank you. I'd like now to  
20 introduce Jerry Riffe, Chief of Police of Charleston.

21 MR. RIFFE: Thank you, Norman. I had prepared  
22 some remarks regarding some of the outline that we  
23 received through the mail as to some of the things that  
24 were going to be addressed here today, things such as  
25 outreach and proactive programs and things of that

1 nature. I made the mistake of sharing a good deal of  
2 that with the Mayor. As a result, my speech is almost  
3 over now.

4 (Laughter)

5 There are so many issues that we could sit here  
6 all day. There are so many of these sensitive issues  
7 that we all -- I think all good people want to see good  
8 things happen and there's so many issues here that we  
9 could address and there are four or five that I would  
10 like to just talk opening, off the top of my head.

11 I have a meeting at 4:00 that I would like to  
12 attend because it deals with the possibility of us  
13 getting a new police building and if you've visited -- I  
14 know Dallas and I both can tell you about where we live  
15 now and we're in desperate search and need of a new one  
16 and I've taken every opportunity to attend all these  
17 meetings and I hope you will forgive me for that, but I  
18 did want to be here and experience the bulk of this  
19 meeting.

20 Recruiting, you know, I've seen some strange  
21 things happen over the years in recruiting. I agree with  
22 much of what has been said here today. We have to be  
23 more innovative and it seems like there are laws on the  
24 books right now that work against us, that make it  
25 virtually impossible for us to get higher numbers of

1 minorities and women where they should be and that's  
2 someplace close to representative of what our communities  
3 are.

4           What do we do about that? You know, I'm not  
5 sure that I have the answer, but I do believe that  
6 revisiting the law and maybe having some adjustments that  
7 would help us ease those numbers, bring those numbers  
8 back in line, would be a good idea.

9           I noticed an old article that I had run across,  
10 it was in the paper a few months ago, but I noticed that  
11 it was about this very same thing, but it dealt with the  
12 Kanawha County Board of Education and those numbers were  
13 -- I jotted them down -- although 3,752 of the students  
14 in Kanawha County -- they have that many students, but  
15 168 of the faculty and staff are minorities. In other  
16 words, the minorities, the teachers, the folks that  
17 actually teach in the schools represent only 4.9 percent  
18 of that organization.

19           Our numbers are higher than that, but also I  
20 recall one time before when we were going through a  
21 recruiting and a hiring process we got called -- I got  
22 called to *The Charleston Gazette* editorial board, they  
23 wanted to discuss our recruiting efforts and I  
24 explained one of the problems to him was, maybe some  
25 would call it a good problem and some might take issue

1 with this, but I do believe that this is one of the  
2 problems, that there have been great strides made, I  
3 believe, over the years by young African-Americans and  
4 pay is an issue with police departments. That's already  
5 been said here today.

6 I think that so many young African-Americans  
7 are able to land better jobs than what police departments  
8 pay and I believe that that has occurred.

9 When I said this, James Hart I think was the  
10 fellow that I was talking to, he said you know, Chief,  
11 look around this room. This was *The Charleston Gazette*,  
12 I think most of you would agree one of the more liberal  
13 thinking, progressive thinking newspapers in the state,  
14 he says look around this news room. Do you see any black  
15 faces? He says we deal with the same thing here. He  
16 says you know, we don't pay much, newspaper reporters --  
17 Tom Brokaw and those guys might make pretty good money,  
18 but he says here in Charleston, West Virginia we don't  
19 and look around, we're dealing with the same issues.

20 So I have to tell you, I was a little bit taken  
21 back by that and I was a little bit relieved, of course I  
22 knew going in that this is an issue that I read about in  
23 my trade magazines across the nation. Everyone is  
24 struggling with this.

25 Baltimore, Maryland used to be a police



1 department that boasted the highest number of women,  
2 female police officers on a police department, now they  
3 are struggling. They are struggling to keep the ones  
4 they've got. I think it's the Civil Rights Act of 1991  
5 that said you can't have dual hiring lists, consent  
6 decrees don't help like they did in the past, I think  
7 they are crippled by that, as many places are and across  
8 the country we have seen evidence.

9 Philadelphia was in the news not too long ago  
10 for not promoting white police officers and then paying a  
11 price for it. They chose not to adhere to the Supreme  
12 Court decision and they ended up giving six or nine white  
13 police officers \$100,000 and then giving them for  
14 promotions pay back to when it was supposed to happen.

15 So there are real obstacles out there, it's not  
16 only in the police community, others are experiencing it  
17 and it's not only in the Charleston area or in West  
18 Virginia, but across the country other entities other  
19 than law enforcement are having these problems.

20 Promotions, the subject of promotion of course  
21 goes along with recruiting. It's no good to recruit and  
22 be successful, if you're lucky enough to do that in the  
23 minority community and then they stay at the bottom all  
24 their career.

25 I would take issue with some people that say

1 that our minority officers are stagnant, that they're  
2 going to stay at the bottom. I have promoted three  
3 within the past several months. I've only been in this  
4 job 18 or 20 months or so and I have already promoted  
5 three African-Americans and I expect before the current  
6 list runs out, it's a two-year list and I expect that  
7 before that list runs out, at least one and maybe as many  
8 as two or three more may be promoted.

9           They did it by taking the test, by scoring well  
10 on their own, this was not a dual list of any kind, they  
11 made this on their own. They did that because they're  
12 bright, hard working people who have done well learning  
13 their job. They have done a good job and they are being  
14 rewarded for it.

15           It is true, it was said earlier that we don't  
16 have any captains, we don't have an lieutenants, we don't  
17 have any sergeants. Well, we had at one time and they  
18 left for better jobs. Most of them are in this room.  
19 But I think in time we will have people at the top of  
20 color. It is my hope -- it may not be in my career that  
21 we have a black captain, I hope it's not because I hope  
22 I'm not here that long. I've been doing this for 27, 28  
23 years and I'm getting close to the end of my career and  
24 it's been very rewarding, but that's a long time to do  
25 this type of work. Anyhow, in the area of promotions, I

1 think we have made some strides. I'm encouraged by it.

2           Discipline. No one has taken a poll or put a  
3 chart on the wall, but if anybody does, I will put my  
4 discipline chart against anyone. Many hundreds of hours  
5 of discipline have I brought down on police officers.  
6 That's not something I really am here to boast about.  
7 Police officers by in large are very good people, but  
8 occasionally they step out of line. Occasionally you get  
9 the bad apples and then you have to do things about it,  
10 you have to take action and I believe that I have done  
11 that. Sometimes I've done it very publicly and I believe  
12 that a lot of the black community is aware of that.

13           I would like to address one thing that has not  
14 been mentioned here today regarding discipline. We do  
15 have a civilian review board. The Mayor was a little bit  
16 off in his numbers and since I've given him the numbers,  
17 I'll take the credit for that, but there's actually five  
18 and we're looking to expand it to six because as several  
19 of us pointed out to the group in our last meeting, we  
20 are lacking a female and we would like to have as much  
21 representative on this board as possible.

22           But I've got to tell you that it's hard for me  
23 to endorse a civilian review board for everyone when the  
24 State of West Virginia has virtually rendered me helpless  
25 in disciplining my own people.

1           What does he mean by that? There used to be a  
2 thing called a police review board and most police  
3 departments, Class 1 police departments in the State of  
4 West Virginia had that and that was a group of police  
5 officers who heard the internal affairs investigations  
6 and then made a recommendation to the chief on what they  
7 thought should happen.

8           Some time a few years back that got slipped  
9 into the legislature up there and it was made binding.  
10 There's probably people in this room right now that don't  
11 know that I don't have the power to discipline someone.  
12 I don't have the power to fire, I don't have the power to  
13 reprimand and I don't even have the power the transfer  
14 someone from one shift to another.

15           They can ask for a hearing and they can get it  
16 and this hearing goes before the police review board,  
17 which is made up of police. I know I'm a police officer,  
18 but I'm also the chief and I resent not having the power  
19 -- I resent taking heat when police officers do something  
20 wrong, about not doing anything about it when the State  
21 of West Virginia has rendered me helpless to do something  
22 about it.

23           Why should I be in favor at this point of a  
24 civilian review board when I've had my power taken away  
25 from me? No one has talked about that today. That

1 should be a hot issue. And here again, I'm not talking  
2 about I want all the power in the world to just whack  
3 heads off every time somebody is late for work.

4 I believe in being reasonable, I believe in  
5 thorough investigations, but I also believe that the  
6 person at the top has to have a hold of the reins. You  
7 have to have the power to make the force go in the  
8 direction that you want it to and when you don't have  
9 that, you still get the criticism, but you don't really  
10 have the horsepower to do anything about it. I don't  
11 like that and it should be changed.

12 Training. This is the last subject I'll talk  
13 about, training. We had sensitivity, diversity training  
14 a few years ago, we're due for it now. As a matter of  
15 fact, Reverend Ron English and some others were in my  
16 office just a few days ago and we have plans of  
17 revisiting that issue some time in the fall or early  
18 winter, when we get summer and vacations and things like  
19 that behind us, but I think we're due for another found  
20 of that.

21 We had something close to that a few months  
22 back called Verbal Judo, maybe you've heard of this. It  
23 really don't deal, I don't believe, with ethnicity as  
24 much as it does just how you deal with your fellow man  
25 and fellow woman, not necessarily with different races,

1 but just how to talk your way through situations and out  
2 of situations and how to bring other people down.

3           When you go into domestic violence situations  
4 and when you go into emotionally charged situations, as  
5 police officers do every day, they should be armed with  
6 the very best tools to de-escalate and you know, so many  
7 , of the complaints that we've heard here today come about  
8 from a lack of de-escalation, a lack of bringing someone  
9 down, someone that's in a rage about something else and  
10 then the police arrive and so then this misplaced  
11 aggression is then towards the police officer and the  
12 police officer thinks in his mind I haven't done anything  
13 to this person, why should I take this and we all know  
14 what happens then, a whole lot of right and a whole lot  
15 of wrong from both sides.

16           Verbal Judo, we've done that. We look for  
17 other innovative strategies in the future, but we also  
18 had the federal government come in and a representative  
19 for a branch of federal government, a fellow by the name  
20 of Ben Luke, who used to be the homicide commander in  
21 Baltimore and he's over a branch of the federal  
22 government.

23           They will come in and offer this training for  
24 free. They will either do the diversity training or they  
25 will train the trainer, allow us to have our own trainers

1 to do our own diversity training and we're looking into  
2 also -- we probably will do that, but I don't want to  
3 lose that community aspect.

4 If I have people in my own community that will  
5 offer to do this training, then the dividends there are  
6 multi-fold, in other words, we get the training, but also  
7 we make some good, lasting hopefully relationships in the  
8 community. We get to know each other, it's what  
9 community policing is about. Then I think that's a  
10 win/win to use a phrase that's really outdated and over  
11 used, but that's exactly what it is.

12 So we're going to do both. We're going to look  
13 to the federal government for assistance in that, but  
14 we're also going to use the local element, the folks that  
15 we know, the folks that we believe, the folks that we  
16 trust, the folks that we believe don't really have an  
17 agenda, they just want to see everybody get along.

18 We look forward to that, we look forward to any  
19 other suggestions from the public, from any group. We're  
20 always open to that.

21 MR. LINDELL: Could you begin to wrap up,  
22 Chief?

23 MR. RIFFE: And that's all I've got to say.  
24 How's that, Norm?

25 MR. LINDELL: Okay. That's good timing.

1 Before we go to comment and questions, is Chief Carl  
2 Khocher here?

3 (No response.)

4 MR. LINDELL: How about Sheriff Dallan Fields?

5 (No response.)

6 MR. LINDELL: He was going to be a panelist too  
7 and I wanted to give him the opportunity to speak. Is  
8 there any member of the panel who would like to ask a  
9 question of the panelists?

10 MS. HAIRSTON: We have discussed a lot of  
11 things and I appreciate all the input, but what about  
12 that wall of silence in the police department? What can  
13 we do about that, because that is a big problem in the  
14 community.

15 MR. LINDELL: Is that directed to any one  
16 person?

17 MS. HAIRSTON: Everybody up there.

18 MR. RIFFE: I think the wall of silence does  
19 exist, I think it exists in many communities. I think it  
20 exists out in our communities. I think it exists on the  
21 police department. It has been identified here today.  
22 How many times do you hear groups such as this talking  
23 about the wall of silence, you know, they all stick  
24 together and there's certainly some truth to that.

25 How many times do you hear cops at the station



1 house talking about going into a troubled neighborhood  
2 and everybody knows who shot the young drug dealer there,  
3 it was another drug dealer, but they are people of color  
4 and they didn't tell us, they won't tell us. There's a  
5 wall of silence there.

6           Again, it all has to do with better trust of  
7 each other. Maybe some of these issues that I've talked  
8 about where we learn from people in our community, from  
9 people of color in our community and we share back and  
10 forth, then at some point this trust begins to grow to  
11 where both walls of silence come down.

12           I would not deny that it's there. I will say  
13 that I don't believe that it's as bad as it used to be  
14 and I think maybe the legal system has something to do  
15 with that. You know, there was a time, when I came on  
16 the police department in 1973, when it was unheard of for  
17 a police officer to be sued, to be investigated by the  
18 federal government, just a very few cases, now it's  
19 pretty common.

20           I think that police officers are more well-  
21 educated today, they're more cognizant of the fact that  
22 if you use that good old boy system, it can get you in  
23 big trouble, not only with the law, but financially and I  
24 think some strides have been made there.

25           Does it still exist to some degree in all

1 communities? Yes, it does. What do we do about it? We  
2 continue -- ethics was mentioned, ethics is something  
3 that should be taught more, I agree with that. We have  
4 that on our agenda also, ethics and trust in each other  
5 in the community where we build on these relationships.

6 MR. HINTON: Let me just follow up, if I may.  
7 You indicated that there is the code among the people in  
8 the community, but unfortunately, the people in the  
9 community don't see the police department as there to  
10 protect and to serve, as your motto goes, nor are they  
11 paid by tax dollars to tell you things.

12 One of the most disturbing things for me, if  
13 George Holiday hadn't been there with a video camera, I  
14 don't think anybody would have believed Rodney King's  
15 story except people in the black community and what was  
16 very disturbing was that there were about 16 police  
17 officers who stood by and watched the four beat the hell  
18 out of that man and why those other people would stand  
19 and see that happen to me is just symptomatic of a deep  
20 seated thing that I believe, and no one will make me  
21 believe differently, that 90 percent or more of police  
22 officers are very good, very moral, very ethical.

23 There's that bad bunch and they're there, you  
24 know who they are, you'd like to deal with them if you  
25 could, but yet that majority won't speak about the bad

1 ones and I know of a situation where I'm from where an  
2 officer was trying to destroy some evidence, a white  
3 officer for a white defendant, because he didn't like the  
4 guy and one of his fellow officers had the courage to  
5 speak up and when he told it, he brought it up with tears  
6 in his eyes, but he hasn't been treated well since then  
7 by the department.

8 MS. HART: My question is directed to Captain  
9 Cogar. Can you share with the group how the West  
10 Virginia State Police Academy compares to other states in  
11 regards to diversity and sensitivity training  
12 (inaudible)?

13 MR. COGAR: I don't know.

14 MR. MAJUMDER: I'd like to ask the state police  
15 (inaudible) with a place like Charleston or Morgantown,  
16 is there any logical relationship or just fraternal or  
17 whatever?

18 What I am getting at, is there some kind of  
19 standard or uniformity who gets to be a police in my  
20 community or another community? Is there a basic  
21 standard that state police academy offers for the state  
22 to follow? Is there anything like that?

23 MR. COGAR: We do not hire the city and county  
24 officers, the individual departments do that based on  
25 civil service and their internal requirements. I know

1 that between the Charleston Police Department and the  
2 state police we have very similar hiring practices in  
3 what we do.

4 The Law Enforcement Training Subcommittee  
5 promulgates certain rules and so forth for just the basic  
6 eligibility requirements to get into the academy in order  
7 to be certified and one of those requirements, as was  
8 mentioned today, is the physical ability testing  
9 regiment, in addition to I don't believe you can have a  
10 criminal record and some other things. You also have to  
11 pass a certain battery of medical tests, et cetera.

12 Now, for the state police, we have a hiring  
13 process that is prescribed by law and we follow that, of  
14 course, to the tee and it includes a lot of things that  
15 corresponds to what Former Chief Staples deals with or  
16 has stated in terms of interpersonal relationships and  
17 skills and judging those skills ahead of thing.

18 We've had our testing validated through the  
19 EEOC and that's one of the prerequisites for our  
20 contractors and we do extensive psychological testing, we  
21 do extensive judgment training and it takes about six to  
22 seven months to get through the entire process, including  
23 the background.

24 But I'll be here to tell you that that process  
25 doesn't ensure that the police officer that graduates

1 from the academy is going to be the ideal guy to work the  
2 street. There's no science to that. You never know how  
3 they're going to react once they leave. Even training at  
4 the academy, as exacting as it is, doesn't always  
5 identify folks that are going to not make probation.

6 MR. MAJUMDER: But as a state -- I think I  
7 basically understand what you're saying, but shouldn't we  
8 strive toward some kind of a standard below which -- what  
9 we've heard is bad enough and what we don't know I think  
10 is even worse.

11 The communities near where I live, there are  
12 some police or security person hired who have no  
13 background, no particular criteria and is serving as a  
14 police officer and I think -- we don't like that in the  
15 educational system, any teacher has to have some minimum  
16 standard to be qualified as a teacher and a police  
17 officer, a law officer has enormous power and that's not  
18 -- that individual simply because of having that -- to  
19 me, it ought to be understood that there is a  
20 responsibility, there is a lot of significance of having  
21 that power and that power has to be harnessed in such a  
22 way that as a state, we ought to feel good about it and  
23 not say well, (inaudible) hired somebody, probably what  
24 they can afford, to me that's a very casual way of  
25 looking how our police ought to be and I'm just curious

1     how police academy could take some role in seeing that  
2     our state has at least a minimum standard.

3             MR. COGAR:  You're right.  The state police has  
4     -- at one time we hired 18-year olds, we no longer do  
5     that, the law was changed and as has been said today,  
6     it's very difficult to impress on an 18-year old the  
7     breadth of that responsibility.

8             But I think that the minimum requirements and  
9     the bar -- I'm not going to say the bar is high or low  
10    right now for entrance into a police academy, but I can  
11    tell you this.  Most small communities are interested in  
12    having police departments and let's face it, when you  
13    have (inaudible) and they can only afford to pay minimum  
14    wage, it's going to be very tough to tell that individual  
15    you have to have a two or a four-year college degree to  
16    come and get this minimum wage job.

17            That's part of the problem.  It's just not  
18    realistic, it's naive to think that you're going to pay a  
19    guy \$5.25 or \$5.45 an hour who has got a four-year to  
20    two-year college degree.

21            MR. MAJUMDER:  I would think Mr. Johnson ought  
22    to go to his legislator and ask should police be paid a  
23    minimum so that he or she will have the right kind of  
24    education to be a police, just like a teacher.

25            MS. CHIZ:  That's what I was going to ask you,

1 Steve. I hear you say that we no longer hire 18-year  
2 olds.

3 MR. COGAR: That's right.

4 MS. CHIZ: However, is it not true that the  
5 state police just lowered their standard for education  
6 and that you only have to be a high school graduate?

7 MR. COGAR: Yes.

8 MS. CHIZ: The age is one thing, but the  
9 education that it sometimes has with it is another thing.  
10 So you only have to be a high school graduate to qualify  
11 educationally for state police and I imagine that's true  
12 in most city police, isn't it, Chief Rodd?

13 MR. RIFFE: It is high school education, yes.

14 MR. COGAR: We were a two-year college degree  
15 for a while and as we note from reading the paper and  
16 this session of the legislature, there is a big move on  
17 to require what amounts to a two-year college degree for  
18 all police officers prior to entrance into the academy.  
19 They're raising the bar, which is not a bad idea.

20 MS. HAIRSTON: Just a moment. I have two  
21 questions, because I want to respond to you again about  
22 the wall of silence in the community. The only  
23 difference is you have the power and the community does  
24 not. You have the badge and you have the gun and the  
25 community does not and as has already been stated here,

1 when you go to Court, you make a better witness than  
2 those people out in the community.

3 So that's just one thing about the wall of  
4 silence and the other thing about the education and all,  
5 we don't have any racist educated people, do we? You  
6 know, we keep leaving out the most important part.

7 There are racist people in every walk of life,  
8 as has already been said. You see it in the school  
9 system, we've got the same problem. Everywhere you have  
10 the same problem. We could just hold up mirrors to each  
11 other. What do we do about it and getting better  
12 educated people, if they're racist, they're just better  
13 able to hide it.

14 I am not worried about the people walking  
15 around with sheets on their heads, I know where they're  
16 coming from. It's these people with these three-piece  
17 suits on that don't have any problem because they are not  
18 prejudice. Those are the ones I have problems with.  
19 What do we do to stamp this out?

20 MR. LINDELL: Does anybody want to respond?  
21 Reverend Davis?

22 REV. DAVIS: I would affirm everything she  
23 said. I'm not responding to that, but I'm compelled to  
24 respond to Chief Riffe's comments. I feel patronized  
25 with the long explanation of the prudent discipline and



1 training. It is insulting (inaudible) African-Americans  
2 because when I look at the facts of the Charleston Police  
3 Department when it comes to recruiting, there's no real  
4 agenda effort to recruit.

5           When I look at the EEO report, the last one  
6 where there have been 13 police persons hired, no  
7 females, no African-Americans, that's not serious  
8 recruitment and let's not fool ourselves. You can  
9 explain away all of the problems with fancy language, but  
10 the truth of the matter is the buck stops where the  
11 statistics show up and so there has been no real  
12 recruitment efforts by the police department or the  
13 training or the discipline either.

14           MR. LINDELL: Would you come to the microphone,  
15 please, and state your name?

16           MR. WILSON: R.E. Wilson from Parkersburg and  
17 I'd like to respond to your remark about (inaudible) for  
18 instance that cannot afford to send a man to the police  
19 academy. What I see happening is you take these bigger  
20 cities, Charleston, Parkersburg, Huntington, wherever it  
21 might be, they will send a group of people to the police  
22 academy, they will send six, if they come back and one of  
23 them doesn't make it through the probationary period,  
24 there he is, he's a guy that's been through the academy  
25 and regardless of how bad he is, these little cities will

1 snap him up.

2           They do it all the time. We see it. It  
3 happens all the time. As a matter of fact, there's one  
4 police force in this area that's called the gypsy police  
5 department, that's what it's called, because they're  
6 comprised of about all officers that have failed to make  
7 it were they were originally hired and if they're not  
8 good in one town, how can they be good in another?

9           What do you do with them? First thing you do  
10 with them, if they didn't make it in this town, you don't  
11 let them be a police officer in any other town. That's  
12 the way I see it. If they've been through the academy,  
13 you take Williamstown, Elizabeth, Parsons, you've got a  
14 thousand little towns in West Virginia that cannot send a  
15 man to the academy, but they're mandated to have a  
16 graduate from the academy, so they'll snap them up  
17 regardless. If they're no good, they have to know  
18 they're no good.

19           Why can't a tag be hung on this man? He flunks  
20 out of one police department, why don't we put a tag on  
21 him that he's no good? What do you do with him?

22           MS. CHIZ: What's the cost of going to the  
23 police academy?

24           MR. COGAR: It's free for the person who goes.  
25 They don't pay anything. It's paid by the state. The

1 city pays their salary while they're there. That's one  
2 of the dilemmas, if you have a one man department or a  
3 two-man department, if they have somebody in the academy  
4 for three months, there's nobody on the street. If they  
5 can hire somebody that's already certified, it minimizes  
6 their financial --

7 MS. CHIZ: You know, I am dealing with law  
8 enforcement on a regular basis and this is the first time  
9 I have heard the statistic of every law enforcement  
10 person going through the state academy, which I've even  
11 said to other -- to people from other states at least  
12 this provides a consistent standard training for  
13 everyone.

14 This is the first time I've heard that  
15 everybody doesn't go.

16 MR. LINDELL: That's not true. Let me answer  
17 the other question first.

18 MS. CHIZ: When you said Parsons cannot afford  
19 to --

20 MR. COGAR: I didn't say that, he said that.  
21 Parsons in fact has sent somebody.

22 MR. WILSON: What I'm saying, let's just say  
23 Charleston, for instance, send six people to the academy.  
24 They graduate from the academy, they get back out on the  
25 street and they don't make it through their period of

1 probation and for some reason you have to fire that  
2 officer, for whatever it might be, you fire them.

3 MS. CHIZ: I understand that.

4 MR. WILSON: These little cities, there you've  
5 got a man certified out of the academy, the cities will  
6 pick him up.

7 MS. CHIZ: Because he's already trained.

8 MR. WILSON: Because he's trained and  
9 certified.

10 MS. CHIZ: All right.

11 MR. WILSON: That's the question, if he wasn't  
12 any good in Charleston, is he going to be any good for  
13 anyplace else?

14 MS. CHIZ: And it saves them money.

15 MR. LINDELL: Right. Because what happens is  
16 in order to go to the academy, it doesn't cost the  
17 candidate any money because the city or the organization  
18 they work for pays for it, but the cities are all charged  
19 a fee beyond what they pay that individual in salary and  
20 so forth.

21 MR. COGAR: It's \$1,000 now.

22 MR. LINDELL: They have to pay \$1,000 for every  
23 person they send to the academy to help cover costs.

24 MR. RIFFE: One of the things that's happened  
25 on that is I've noticed recently one of the officers that

1 we let go, he then fought with the LET, with the agency,  
2 state, that oversees that, to keep his law enforcement  
3 certification.

4 So this is something that at least I believe  
5 the state is on to and you may see less and less of what  
6 the gentleman spoke of. At least they're starting down  
7 that road to where you get fired, there's a possibility  
8 that you lose your law enforcement certification.

9 MS. CHIZ: But that sort of manipulation of the  
10 system happens at every level. We know of state police  
11 officers who are no longer state police officers for  
12 various reasons dealing with discipline who are now  
13 working for city police departments.

14 UNKNOWN: We do, too.

15 MS. CHIZ: I think we know the same ones.  
16 When complaints come in about those police officers, we  
17 are unable to get to the personnel jackets of those  
18 officers to find out for what reason they left the state  
19 police.

20 MR. RIFFE: But that may have nothing to do --  
21 if that city entity still decides regardless of the  
22 record to hire this person as an officer, then all the  
23 records that you get in the world may be unless.

24 UNKNOWN: But then they should be responsible  
25 for what they hire.

1 MR. RIFFE: Then the city is held liable.

2 UNKNOWN: Me as a bondsman, I have to be  
3 responsible for what I do.

4 MR. LINDELL: Mr. Chairman, did you want to  
5 make a comment?

6 MR. HINTON: Yes, I have a question. I know  
7 the chief is getting ready to leave, but we heard an  
8 example this morning or early this afternoon from  
9 Reverend Murray, but somewhat in defense of police  
10 departments, you guys are a part of the larger community,  
11 which is also racist, which is also sexist and what have  
12 you.

13 There are certain expectations that people or  
14 stereotypes that I think (inaudible) and what have you  
15 and I can tell you probably every African-American in  
16 this room can probably tell you of an incident where he  
17 or she went into a department store and was followed by a  
18 floor walker because they expect that they're going steal  
19 and particularly how they may be dressed.

20 It appears to me that Reverend Murray's  
21 incident was that the (inaudible) community expects if  
22 you're black and you are perceived to be lower class,  
23 you're a criminal element, you're going to steal and so  
24 forth and it seems to be that as police agencies, you buy  
25 into that stereotype, that perception because when they

1 were called because he was complaining about the pizza  
2 delivery, immediately those expectations were lived out  
3 through him.

4 My question to you agencies is are you aware  
5 that because you are a smaller part of a larger  
6 community, that all you're doing is acting out the  
7 expectations of a racist community to begin with and in  
8 you would have handled his situation a little differently  
9 when you went to the pizza parlor, if you would have said  
10 to the people now, what's the problem, but if you would  
11 have handled it differently, you could send a message to  
12 the pizza people and the larger community that hey, you  
13 know, we're not going to meet your expectations of  
14 stereotyping blacks and other people, if they've got long  
15 hair and they're young or what have you, with the drug  
16 issue, what have you.

17 I think a large part of the problem is that you  
18 guys are living up to the expectations. Are you aware of  
19 that?

20 MR. RIFFE: When you say "you guys," you're  
21 indicting all of us.

22 MR. HINTON: I know.

23 MR. RIFFE: Of the 200 complaints we get a  
24 year, and we get about 200, we still don't talk about the  
25 other 59,000 calls that they take with no complaint at

1 all, the 6,000 or 7,000 or less are many of these highly  
2 volatile situations.

3 MR. HINTON: But you know --

4 MR. RIFFE: It's not "you guys," it's just what  
5 you said earlier. There are some bad apples and they  
6 taint the --

7 MR. HINTON: No, no, no, no. If you look at  
8 all the racial profiling we've got nationally, I-95, 17  
9 percent of the people who use I-95 are African-Americans  
10 but they are 80 percent of the people stopped on the  
11 highway.

12 Okay. Hillary talked about the black women who  
13 are nine times more likely, to who travel  
14 internationally, to be stopped by a customs agent, but  
15 have violated no customs laws whatsoever.

16 So there's a lot of society who expects certain  
17 things from other people and I'm talking about if you go  
18 to an agency -- you've got to understand, you came from a  
19 community that happens to be racist. I come from a  
20 community that happens to be racist and I do everything I  
21 can personally and professionally to guard against the  
22 community I'm a part of that made me thing racist about  
23 myself and other people like me.

24 MR. RIFFE: I thank you for your time.

25 MS. CHIZ: We've been talking about the apples



1 a lot, the bad apples, and I am a member of the State  
2 Black Advisory Committee, which is a taskforce of the  
3 Coalition Against Domestic Violence.

4 The highest correlation for domestic violence  
5 among professions is law enforcement. What kind of  
6 strategies do you use at the state level, since there's  
7 some highly publicized cases of state police officers who  
8 were involved in domestic battery of their own spouses,  
9 but I think the Charleston Police Department had an  
10 example prior to the time I was here.

11 What kind of strategies do you use to figure  
12 out who those people might be in this testing and  
13 recruiting that we've been talking about so much? How do  
14 you get rid of those people with a propensity for  
15 violence, whether it's domestic violence or violence of  
16 any other sort?

17 MR. COGAR: The batteries of psychological  
18 testing that we do and the background investigation that  
19 we perform are geared toward identifying those sorts of  
20 people who can't deal with the on-the-job stress, who  
21 aren't adaptable, whose work life or previous experiences  
22 may lead to something committing crimes, including  
23 domestic violence.

24 It's not specifically geared toward domestic  
25 violence issues, but it is designed to weed out folks

1 that can't deal with the issues that lead to sometimes  
2 criminal behavior.

3 How we deal with it, although we haven't gotten  
4 any help from the Courts in this regard, we have tried to  
5 be very proactive in the wake of recent events in  
6 identifying folks who may be suffering from job-related  
7 or non-job-related stress, marital difficulties, et  
8 cetera. We have a computerized database that helps  
9 identify these folks based on a criteria.

10 We've trained our supervisors to look out for  
11 this. We have a policy that's being implemented now and  
12 it's a policy that we've been following, but informally,  
13 to counseling as soon as we get notification that any  
14 kind of domestic violence issue has occurred, although in  
15 doing this in one case, it went to circuit court and the  
16 judge didn't agree that we should be able to do that,  
17 however we continue to do that, order mandatory  
18 counseling that is monitored by our folks in Professional  
19 Standards.

20 MS. CHIZ: Because most of the public believes,  
21 whether or not it's true, most of us believe that people  
22 are attracted to law enforcement, some people, because  
23 they have a violent nature and they get to wear a gun and  
24 that's the defining characteristic.

25 I may have job-related stress, I don't -- when

1 I got home, I don't kick the dog. But most of us believe  
2 that there are at least some people attracted to law  
3 enforcement as a profession because of the power inherent  
4 there and the ability. I don't have to point it out to  
5 any of you, we all read about it and we all know it  
6 exists.

7 MR. COGAR: Stereotypes.

8 MR. RODD: Hillary, could I just -- I don't  
9 want to grind this ax any more than just a second, but  
10 I'll bet you that the other correlation that you would  
11 find with that is drug abuse, specifically alcohol.

12 MS. CHIZ: Alcohol?

13 MR. RODD: With domestic violence. Far more  
14 than you'd find any correlation with law enforcement or  
15 anything else, you'd find -- and not necessarily  
16 alcoholism, unless you're defining alcoholism as having  
17 more -- you know, getting drunk, which is not how we tend  
18 to --

19 MS. CHIZ: There's a correlation --

20 MR. RODD: It's perfectly legal for police  
21 officers and anybody else in our society after 5:00, I  
22 believe, to go home and get as drunk as they want, as  
23 long as they don't do anything at the time. So that drug  
24 we don't worry about and yet we're engaged in this  
25 horrible criminal justice war against people who choose

1 to get loaded doing other things, which probably doesn't  
2 have anywhere near as high a correlation, like even crack  
3 for that matter.

4 I don't know anything about it, but people in  
5 law enforcement know, it probably doesn't have anywhere  
6 near as high a correlation to domestic violence as  
7 alcohol. It shows you how the drug war and our drug  
8 policy -- and by that, I include our policy of how we  
9 just don't have a policy about alcohol, is implicated and  
10 deeply central to the kinds of problems that you are  
11 talking about when you're talking about police  
12 misconduct.

13 Because it's present and I'm sure it's a big  
14 issue for police agencies and it's so hypocritical to go  
15 out into the community and say hey, you kids, don't take  
16 them drugs. All right, 5:00, let's hoist a few. That's  
17 not sound drug policy or a way to represent to young  
18 people.

19 MR. ST. CLAIRE: Good afternoon. My name is  
20 Eddie St. Claire and I've been a West Virginia State  
21 Trooper for 17 years, but I'm here today representing the  
22 West Virginia Troopers Association.

23 The West Virginia Troopers Association is made  
24 up of the men and women of the West Virginia State  
25 Police, of the 700 plus troopers, we represent about 97

1 percent of the people that are out there.

2 I want to first of all thank you, thank you for  
3 this opportunity for dialogue because no problem is ever  
4 resolved that you can't talk about it and understand  
5 other people's perspectives.

6 In light of that, I would ask that any  
7 additional meetings that the organizations that represent  
8 the rank and file, for instance the FOP, which represents  
9 the rank and file of police officers, be invited. The  
10 Troopers Association... I found about this -- I worked  
11 midnights last night and I was reading the paper last  
12 night and found out about it and I felt it was important  
13 that somebody who represents the rank and file troopers  
14 be here to talk about some of these issues.

15 There were so many things that we talked about  
16 today and I'm going to keep my comments very brief, but  
17 there's two areas that I'd like to talk about.

18 I think that this forum is so important because  
19 you are a voice that is listened to by the people of West  
20 Virginia and also the legislature. I became a trooper 17  
21 years ago, like I said, and shortly after I became a West  
22 Virginia State Trooper, there was a poll that came out in  
23 *The Charleston Gazette* and it ranked individuals or  
24 organizations in the State of West Virginia, based upon  
25 the amount of trust people had in them.

1 I was extremely proud when this survey came out  
2 and the West Virginia State Police was number one. It  
3 was the most trusted either individual or organization in  
4 the state and I took a lot of pride in that.

5 Well, recently I became vice president of the  
6 Troopers Association about a year ago and we've had a lot  
7 of incidents that you may be aware of, you may not, for  
8 instance, the horrible incident in Welsh and even though  
9 those police officers haven't been found guilty, if that  
10 is true, it's a horrible incident that we can't tolerate.

11 Other incidents where a trooper was involved in  
12 a domestic, that she was talking about, and he killed his  
13 girlfriend then himself and I felt that if I was going to  
14 be an effective voice for the troopers about change, and  
15 that's what we want to be, because there's not a person  
16 in this room -- nobody came through that door today that  
17 didn't have the same idea in mind and that was to make  
18 law enforcement better.

19 I can tell you that these guys sitting over  
20 here in uniform and I, who wear this uniform, we take a  
21 great deal of pride in that uniform and we want to be the  
22 best we can possibly be.

23 When you have incidents like the Welsh incident  
24 where a police officer who had only been off probation a  
25 couple months, been on his own a couple months, can do

1 more damage in 30 minutes than I could ever fix if I had  
2 a stellar career for 30 years, I take exception to that  
3 and I want to know what we can do to prevent that.

4 Well, there has been talk today about civilian  
5 reviews, things like that, and so I felt when you have a  
6 problem or the perception of a problem, the first thing  
7 that you have to do is you have to identify what caused  
8 that problem because there's no way you can tailor a  
9 solution if you don't look at the root causes.

10 So I went and I started, like I said, with this  
11 trust poll, and I went back to 1982 and I did an analysis  
12 of who the West Virginia State Police was in 1982 as  
13 compared to who the West Virginia State Police -- who we  
14 were when this incident occurred.

15 One of the things that I was absolutely  
16 staggered by is that our seniority has dropped in half.  
17 Let me give you an example. In Welsh, where this  
18 incident was alleged to have occurred, there has been a  
19 47.7 percent drop in seniority. The average police  
20 officer down there, and I'm not talking about county  
21 supervisors, who I'm talking about here is the person who  
22 is out there actually on a day-to-day basis dealing with  
23 the public because if you've got a sergeant sitting back  
24 at the office who has got 25 years' experience, while  
25 that's valuable for some guidance, when you have a

1 trooper out there that's got 18 months, there's a  
2 vulnerability.

3 I don't think anybody in this room would argue  
4 that experience minimizes vulnerability. The average  
5 field police officer down in Welsh has 2.9 years'  
6 experience and we've got a class that graduated last  
7 Friday, the person who trained that person that just came  
8 out of the academy is going to have less than three  
9 years' experience.

10 And so I started looking at what caused some of  
11 these problems. There are 50 states in this union and  
12 the West Virginia State Police are dead last in pay.  
13 Charleston PD is in the same boat. They're paid worse  
14 than we are. We talked about these little city  
15 departments who pay minimum wage, but yet our expectation  
16 is for a high caliber officer and when I was doing my  
17 statistical analysis, one of the things I was absolutely  
18 shocked by the police training academy.

19 I would see these young minority officers come  
20 through, I started finding all their jackets where they  
21 had left, going to other police departments. Now, let me  
22 ask you this. If you work for IBM or Xerox or any of  
23 these other corporations and you were out there  
24 competing, you have to be competitive in order to  
25 compete.



1           How do we go to a -- like WVU or Fairmont or  
2 West Virginia State and go to those high caliber  
3 candidates that we're looking for, the ones with the  
4 criminal justice degrees, the ones that have some  
5 understanding of the criminal justice system, and say  
6 we'd like for you to come to the West Virginia State  
7 Police, but we're 27 percent behind the regional average  
8 in pay.

9           How do I tell that young black trooper who is  
10 in let's say Morgantown and he's there and he knows that  
11 he can go five minutes across the border in Pennsylvania  
12 and get a \$14,000 to \$15,000 pay raise?

13           The question is this. In our law enforcement  
14 community, we have to attract the absolute cream out  
15 there and once we attract the cream, then we have to be  
16 able to retain them. To begin with, I've already talked  
17 to you about the recruiting problem, once we get these  
18 people -- let me give you an example.

19           The 36th cadet class which just passed their  
20 20-year anniversary, they're not eligible for retirement  
21 -- I'm sorry, the 34th cadet class. We've lost 42.3  
22 percent of those people, almost half of them have left.

23           I could show you in my class, I came in the  
24 34th cadet class, I've got 17 years in, we've lost 35.5  
25 percent of those folks. I can take my class photo and I

1 can show you FBI agents, DEA agents, law enforcement  
2 agencies in other states and it is especially prevalent  
3 in the minority community that we recruit because when  
4 you have a high caliber officer who has been seasoned for  
5 three or four years, there is a demand for those  
6 officers. You can look at the jackets of our minority  
7 officers who have left, they have left for higher paying  
8 jobs.

9 I say all this to make this point. You're a  
10 voice that is listened to. I would love to have an  
11 opportunity to send you some information, I understood  
12 you said that we would take written stuff up until May  
13 19, correct? Our statistical analysis for the Troopers  
14 Association -- and like I said, I felt like a voice out  
15 in the wilderness that nobody would listen to the last  
16 two years up at the legislature, showing how we're losing  
17 our officers and how there is an inherent vulnerability  
18 with that inexperience.

19 The next issue that I'm going to touch on very  
20 briefly, because Delegate Johnson brought it up, about  
21 civilian review, I was one of the people that was up  
22 there every meeting about civilian review and we did  
23 oppose it.

24 You mentioned Rodney King and as horrible as  
25 that was, L.A. has civilian review and we started looking

1 -- we weren't opposed to having somebody look at us,  
2 somebody scrutinize us and so we started looking at the  
3 success stories with civilian review and what we found  
4 out is that it is a very political, powerful thing where  
5 legislators can get up and say we fixed the problems in  
6 law enforcement, we've got this civilian review, but what  
7 actually it is is instead of some way to -- a  
8 preventative measure, some way to prevent these things  
9 from happening, it was one more group after it happened  
10 to point a finger.

11 For instance, let me use the Welsh incident and  
12 I'm going to wrap up very quickly. But let me use an  
13 example of the Welsh incident. In that incident alone  
14 there were five separate investigations that either were  
15 conducted or could have been conducted and there were six  
16 civilian reviews.

17 Let me give you an example. The state police  
18 -- as soon as that happens, the state police launch two  
19 investigations, not one by two and the reason we launch  
20 two investigations is one is criminal and one is  
21 administrative. The administrative is to decide are we  
22 going to keep this person or are we going to fire this  
23 person or how are we going to discipline this person.

24 But what happens is administratively, they have  
25 a lot of power administratively that you don't have

1 criminally. For instance, I have no right against self-  
2 incrimination. They can ask me anything and I am  
3 required to answer. It's called the Garrity Rule.

4 And because of the information that I gave,  
5 none of that can be used criminally, but administratively  
6 they can ask me anything and the colonel told me and he  
7 made the statement up there before the legislature, any  
8 trooper found lying about anything, he was going to fire  
9 them, and rightfully so. So that's the first  
10 investigation.

11 Then second of all we had a criminal  
12 investigation to see if there was a violation of state  
13 law, just like you would with any other citizen. Then  
14 the FBI does an investigation. Any time that there's a  
15 potential civil rights violation, there is an  
16 investigation. There is three independent investigations  
17 that were done.

18 In addition to that, if the county prosecutor  
19 is dissatisfied, does not like the type of investigation  
20 that was done, he has the right to call -- he or she has  
21 the right to call for an investigation of the grand jury  
22 and the federal grand jury can do investigations as well.  
23 There are five independent investigations.

24 Now let's look at civilian review. You have  
25 this young man in Welsh went before a federal grand jury.

1 His case went before a group of citizens who reviewed  
2 that information, before a federal grand jury.

3 That information went before a state grand  
4 jury, which is a second civilian review. In both cases I  
5 believe he was indicted and so now it will go before two  
6 additional civilian reviews in the form of a jury and  
7 there's also the civil jury, so there is six different  
8 civilian reviews that are there.

9 I'll close with this and I'm open for  
10 questions, I just don't want to hog the mike. Too late,  
11 right? .

12 Delegate Johnson said what is there to fear  
13 from civilian review and I can tell you as a police  
14 officer the one thing that we fear most is a rush to  
15 judgment, an absolute rush to judgment. We want to be  
16 viewed in the totality of the circumstances.

17 When I trained at the academy, at state police  
18 academy, this incident in New York really brought this  
19 home to me where this young black man was shot --

20 MR. LINDELL: Excuse me. Please wrap up.

21 MR. ST. CLAIRE: Okay. When I taught at the  
22 academy, we had a decision shooting machine and I would  
23 bring all these young, big-eyed cadets right there to the  
24 doorway and I would show them how it worked and the very  
25 first incident is where they would -- you're standing in

1 front of a screen as if you're stopping a car and I had  
2 one police officer there and I'd say I want you to decide  
3 whether you shoot or don't shoot and you'd stop this car,  
4 this young man would jump out of the car, he'd be ranting  
5 and raving and running his gums.

6 The next thing you know, he reaches behind his  
7 back and almost without a doubt that one police officer  
8 would shoot this guy. The next thing you see is he had  
9 pulled out his wallet and he'd say okay, here's my  
10 license and whatever and then I would chastise him in  
11 front of the other students for having killed this  
12 unarmed man.

13 Then I'm move them out in the hall and I'd shut  
14 the door and then I'd bring every one of those in to run  
15 through different scenarios also and about five or six  
16 scenarios down the line, they got what they thought was  
17 the same scenario, except for when he reached behind his  
18 back, instead of pulling out a wallet, he pulled out a  
19 weapon and every one of them got killed.

20 And it brought home to me and to those students  
21 how police officers have to make decisions in a split  
22 second that is going to be viewed sometimes very quickly  
23 by a community as the wrong decision and it's so  
24 important for us that in the court system where the  
25 totality of the circumstances are looked at, that's where

1 we be judged. Thank you.

2 MR. LINDELL: Sir.

3 MR. JEFFERSON: Good afternoon, I'm (inaudible)  
4 Jefferson, I'm the president of the Marion County NAACP.  
5 Attorney General McGraw, I have a couple of questions I  
6 need to ask you, if I can, and I'll ask all the panel  
7 members up there also, I won't take too much of your  
8 time.

9 Mr. McGraw, when is the next meeting for the  
10 Civil Rights Act?

11 MR. MCGRAW: I beg your pardon?

12 MR. JEFFERSON: When is the next meeting for  
13 the Civil Rights Act? When are you having your next  
14 meeting?

15 UNKNOWN: Do you mean the team project or the  
16 school project we were talking about or the hate crimes  
17 taskforce?

18 MR. JEFFERSON: The school project.

19 UNKNOWN: Well, we don't have actual meeting up  
20 there but we have already sent out lists of schools,  
21 letters to schools asking if they would like to join our  
22 project.

23 MR. HINTON: Mr. Jefferson, I would also let  
24 you know that in our area, only East Fairmont High School  
25 decided to participate in that program. Other schools

1 were invited but they chose not to even get involved.

2 UNKNOWN: For the first school, but we're  
3 getting -- but we are getting from that part of the state  
4 other inquiries, so yes, East Fairmont High has been part  
5 of this year's project.

6 The project doesn't have meetings, so to speak,  
7 but it does have -- we had a conference for all of the  
8 schools that participate and this summer we'll be having  
9 one meeting, if we don't have enough schools that  
10 initiate on their own, we'll be sending out and asking  
11 others to participate.

12 MR. JEFFERSON: Ma'am, can I make a  
13 recommendation that you send a letter, a copy of the  
14 letter to the president of the State of West Virginia  
15 NAACP so that he lets the various presidents of the  
16 branches know when the meeting happen so that we can be  
17 there? I think it's very important.

18 UNKNOWN: To get the schools --

19 MR. JEFFERSON: Yes, ma'am. I think it's very  
20 important.

21 UNKNOWN: Sure.

22 MR. JEFFERSON: Thank you.

23 UNKNOWN: Captain Cogar, good morning, sir or  
24 should I say good afternoon. I'm (inaudible).

25 MR. COGAR: Their names? Do you want their



1 names?

2 UNKNOWN: In my area. I'm between Monagade  
3 County, Marion County and Harrison County.

4 MR. COGAR: I'm not sure which one covers, but  
5 I can give you the name afterwards, if you'd like, of  
6 who's running that.

7 UNKNOWN: Also, who was the civil rights  
8 officer that you mentioned?

9 MR. COGAR: Melissa Sizeman or Melissa  
10 Clements, she just got married.

11 UNKNOWN: Mr. Rodd, sir, how are you doing?

12 MR. RIFFE: Good.

13 UNKNOWN: I have a question for you. Have you  
14 ever been in a crisis, sir?

15 MR. RIFFE: I'm sorry?

16 UNKNOWN: Have you ever been in a crisis? Have  
17 you ever been in -- in a crisis? Do you know what a  
18 crisis is?

19 MR. RIFFE: Yes.

20 UNKNOWN: Have you been in one?

21 MR. RIFFE: Sure.

22 UNKNOWN: Then you know that there's an  
23 aftershock after a crisis?

24 MR. RIFFE: Yeah.

25 UNKNOWN: It's just like addiction to a drug,

1 alcohol, any drug, they have problems. They had problems  
2 in World War II, they had problems in Korea, they had  
3 problems with Vietnam, they had problems in the Gulf War,  
4 every place you look that's at war.

5 We're going to have problems. Sometimes  
6 they're easy and sometimes they're hard, whether it be  
7 alcohol or drugs. I don't know if you've noticed or not,  
8 sir, but the military has now (inaudible) if you get  
9 busted or get popped, as we call it, we get popped, drunk  
10 or come up positive on an alcohol or drug test, you go to  
11 the counselor, but if you are an NCO, such as myself, you  
12 are automatically discharged, dishonorably. Did you know  
13 that, sir?

14 MR. RIFFE: No.

15 UNKNOWN: That's just an update to let you know  
16 about that. The point I'm trying to get at, sir, is we  
17 all have problems, whether it be (inaudible) and we have  
18 to deal with it a special way. Sometimes we need help  
19 and guidance, sometimes people don't want to (inaudible)  
20 so you have to ride it until you seek that help and then  
21 once you seek that help, they you can solve the problem.

22 But it's not something we go to a certain area  
23 or put people in certain areas because we're all in the  
24 army, whether you're rich or poor, black, white, it  
25 effects all of us every day. You need to start talking a

1 look around. Just walk five blocks and turn around and  
2 come around and see the difference. Thank you.

3 MR. RIFFE: Thank you.

4 UNKNOWN: Yes, Mr. Chairman, I'd just like to  
5 also add that I've the president of West Virginia Black  
6 Law Enforcement Officers United and also if you have any  
7 more programs or panels, that we would like to be  
8 included. We represent the African-American officers  
9 throughout the State of West Virginia and we have a very  
10 deep concern about the situations and the environments in  
11 police departments that effect those African-American  
12 officers.

13 MR. HINTON: Did you sign our list in the back  
14 with your name and address?

15 UNKNOWN: Yes.

16 MR. HINTON: Good.

17 UNKNOWN: I just wanted to respond a little bit  
18 about some of things that I've heard about the hiring and  
19 the retention of officers and it being directly  
20 correlated to money. I find that to go back really to  
21 recruitment because I didn't join the police department  
22 for money and people don't become educators for the money  
23 and you can never compare government service, public  
24 service to corporate America because nowhere in corporate  
25 America do you take an oath.

1           I took an oath to uphold the Constitution of  
2 this great nation and the State of West Virginia and  
3 money was not attached to it and so I say to you let's  
4 not just look at the retention problem due to money, I  
5 think that a lot of those African-American officers,  
6 police officers, left those departments because of the  
7 environment that they were expected to survive in.

8           There was no upward mobility, why would you  
9 stay somewhere where you were going to be bogged down?  
10 Let's not address this as a money issue because it is not  
11 a money issue and if it is a money issue and your losses  
12 are 42 percent because of money, then you have recruited  
13 the wrong people.

14           UNKNOWN: That's right.

15           UNKNOWN: So look at your recruitment efforts  
16 and look at who you are drawing from and I take it as a  
17 personal affront that you say that. My career was not  
18 about money, my career was about service and the sooner  
19 that we start recruiting Africans that are service minded  
20 instead of adventure minded, then we won't have these  
21 problems.

22           So when we go back to training, yes, I hope,  
23 Captain Cogar, that the Training Subcommittee will  
24 address the issues of training, because even the federal  
25 statistics show that law enforcement officers do law

1 enforcement things only 15 percent of their duty hours,  
2 85 percent of the calls for service are non-law  
3 enforcement issues, so we need to start looking at some  
4 of the training issues, why are we training people to be  
5 ready for bank robberies when we have two bank robberies  
6 a year?

7           We need to look at what we deal with. Law  
8 enforcement is in the people business and we need to  
9 learn how to deal with people. That's what law  
10 enforcement is about. It is a service, public safety and  
11 nowhere in corporate America does anyone take a oath to  
12 be a good CEO, but we take an oath to be a good law  
13 enforcement officer because we are public servants.

14           So I say the retention comes from you need to  
15 look at your recruiting efforts and I say if you have had  
16 good black law enforcement officers who have graduated  
17 and left, you need to go back and look at the environment  
18 that you expected them to survive in and so that is the  
19 plight.

20           If we had been invited, we would be able to  
21 tell you what black law enforcement officers at the  
22 Charleston Police Department and the state police are  
23 saying about the environment that they have to survive in  
24 and look at the statistics of promotions and look at the  
25 statistics.of hiring.

1           Let's cut to the chase. Let's quit hiding  
2 behind these laws and we can't do this because the Civil  
3 Service Commission -- Civil Service laws prohibit us from  
4 that. Take the same vigor that you took to the State  
5 House to object to civilian review boards, take that same  
6 vigor to the State House and change Civil Service laws so  
7 that chiefs can discipline people.

8           Don't use that as an excuse that we can't do  
9 something. You took that vigor to keep from having  
10 citizens take a look at what you do, take that same vigor  
11 to get your legislators to change the law. What is so  
12 difficult?

13           It's because you don't want to change. You  
14 don't want to change. You didn't want that citizens  
15 review board, you came out for that. You're so afraid  
16 that you don't have the authority to discipline your  
17 officers, but you have never taken the vigor, where is  
18 the West Virginia Chiefs Association? Do you mean they  
19 haven't lobbied to give their membership the type of  
20 authority that they need in the agencies that they had,  
21 but they've come out to object to a citizens review  
22 board?

23           Come on, people. That's why the public doesn't  
24 trust us, because we're not honest. We will not say what  
25 it really is and we need to start doing that if we ever

1 expect to get the respect of the citizens that we serve  
2 because we are in the public service business. Thank  
3 you.

4 (Applause)

5 MR. HINTON: I just want to address a question  
6 to Attorney General McGraw. Mr. McGraw, I know that you  
7 and your family have been very much involved in civil  
8 rights for many years and you've done a great job, it's  
9 been public service for the State of West Virginia and  
10 there may be an Attorney General who does not have your  
11 heart and head, as you know have it, but would you think  
12 that some of the problems that we're addressing today,  
13 that if the Office of the Attorney General of West  
14 Virginia had some oversight over law enforcement that  
15 that would be an effective mechanism? That somebody with  
16 your background could help change some of these problems?

17 MR. MCGRAW: I do believe that if the Attorney  
18 General's Office in West Virginia had the official  
19 capacity to work with the law enforcement community to  
20 improve the quality of life in West Virginia, that's an  
21 obligation that we really would probably take.

22 I believe that we would have a contribution to  
23 make there. But I would offer this caveat. I don't want  
24 to sound religious because I probably am not terribly in  
25 the minds or eyes of some people, but I do believe in

1 redemption and I do believe in education and I have a lot  
2 of trouble with this idea of punitive action against  
3 everyone for everything.

4 Really, you know, when we were kids somewhere  
5 along the way we read about up in Massachusetts when they  
6 first started this country, somebody was there and then  
7 some particular way to brand their (inaudible), just so  
8 that everybody would know that they were (inaudible), of  
9 their transgression.

10 Well, we've come a long way since then, we now  
11 believe that we can work with people to overcome a  
12 propensity to commit further transgressions and once the  
13 penalties are paid, then they ought to be given the  
14 opportunity to be the kind of citizen that we would want  
15 to teach them to be.

16 When I say "we," I don't mean the Attorney  
17 General, but I mean the community acting through its  
18 various officers, including the Attorney General and the  
19 law enforcement community.

20 Yes, we would have a contribution to make and  
21 would want to do that. I hear discussion here of the  
22 Governor's Committee on Crime (inaudible), that's what it  
23 was when we started, let's see, 34 years ago and that  
24 committee has made great contributions on the very theory  
25 that education is the solution and that working with



1 people is the positive kind of way to reorganize human  
2 relations and the law has a place in this, of course.

3 We can all see in our own lifetime, we can see  
4 what for example the Civil Rights Act of 1965 has done  
5 for our country. That doesn't mean that all the problems  
6 were solved, but it created a right side and a wrong side  
7 and it's given everybody an opportunity to understand  
8 what those sides are and what your duties and obligations  
9 as citizens is to -- what side our obligation and duty is  
10 to be one. Thank you. \*

11 MR. HINTON: , Sir.

12 MR. MAYER: Thank you, Mr. Chairman. My name  
13 is Andrew Mayer, I work as an administrative judge for  
14 the state, but I'm here strictly as a private citizen  
15 today. What I have to say will take less than four  
16 minutes.

17 My comments are a bit of a departure, but they  
18 do concern police/community relations and civil rights  
19 enforcement in Southern West Virginia.

20 On August 27, 1999 I attended a peaceful  
21 political march in Kanawha County, along with  
22 approximately 13 others, including two journalists and  
23 West Virginia Secretary of State Ken Hechler.

24 As we were walking along Route 94 from  
25 (inaudible) we were met by an organized mob of

1 approximately 40 angry and violent people. They screamed  
2 at us that we had no right to walk the road and that we  
3 had to turn back.

4 We tried to tell them as calmly and politely as  
5 possible that it was our Constitutional right to engage  
6 in political speech and traveling the public roadways and  
7 that we had a permit. They immediately attacked us and  
8 began tearing up our signs, banners and the state flag  
9 from our hands and ripping them up.

10 At this point, several of us began calling out  
11 to passers by to call the police, as no state authorities  
12 were present. Several of the mob violently shoved,  
13 kicked and struck Secretary Hechler, myself, my wife and  
14 others. They screamed vile abuse at us and feigned  
15 punching at our faces in order to promote a reaction. We  
16 were pelted with eggs, kicked and tripped as we continued  
17 to walk around and through them.

18 Minutes later, we reached the United States  
19 post office at Hernshaw, West Virginia. There in the  
20 post office parking lot the mob reformed in front of us  
21 and again began to violently shove us, kick us and feign  
22 punch at us.

23 My wife was hit in the head with a plastic bag  
24 containing approximately two dozen eggs, swung with full  
25 force by one of these people. As the police were still

1 not present, I asked one of the four large men who were  
2 shoving at me and screaming at me if I could enter the  
3 post office to make a telephone call.

4 The men denied my right to walk across federal  
5 property to call for police assistance. The men, who  
6 refused to identify themselves in response to my repeated  
7 requests, told me that my Constitutional rights did not  
8 apply there and they continued to deny me access.

9 At this point the state police arrived and  
10 isolated us from the mob. However, the state police  
11 response was inadequate and failed to protect our rights.  
12 The state police acceded to the mob's demand that we  
13 remove any clothing that bore any reference to the United  
14 Mine Workers of America before we were allowed to  
15 continue. They failed to arrest several individuals who  
16 were in possession of signs and a flag that they had  
17 plainly taken from us.

18 As we continued, the mob's members drove past  
19 us on the road and continued to threaten and intimidate  
20 us. I called this to the attention of a trooper  
21 following us in an unmarked cruiser and he said there was  
22 nothing he could do about it.

23 Three days later I wrote to the U.S. Attorney  
24 for the Southern District of West Virginia and asked that  
25 her office act in this matter. I never received a reply,

1     although the FBI did investigate and I got to talk to  
2     Mr. Miller about that very briefly.

3             Kanawha County's prosecutor later brought  
4     misdemeanor charges of battery and destruction of  
5     property against four of the people who attacked us,  
6     however the U.S. Attorney's Office has not yet acted to  
7     address the plain violation of our civil rights that  
8     happened that day, which was not a spontaneous fight  
9     between one or more persons, but was a planned, organized  
10    and violent violation of our civil rights.

11            The mob that attacked us that day did not  
12    assemble at that place and time by accident and  
13    demonstrated internal organization (inaudible). Its  
14    motive could not have been clearer, because they told us  
15    we had no right to walk the public road expressing our  
16    political views and that the Constitution did not apply  
17    to us.

18            We applaud the U.S. Attorney's Office's  
19    prosecution of the individuals involved in the 1998  
20    mailing of racist hate letters by a Concord College  
21    student and her prosecution of the individuals involved  
22    in the harassment and threatening of the African-American  
23    family near Bell.

24            However, we note that these matters involved  
25    non-violent violations of law, whereas the events that

1 occurred on August 27, 1999 involved a violent physical  
2 assault by an organized mob on a group that was  
3 peacefully exercising its First Amendment rights. This  
4 group of individuals also stole and destroyed our  
5 personal property.

6           Regarding the racism hate letter, the U.S.  
7 Attorney was quoted as saying "The terms of the letter  
8 were certainly encouraging violence." Surely the actual  
9 violence perpetrated upon us on August 27 is as worthy of  
10 prosecution as the encouragement of violence contained in  
11 the racist letters. Thank you very much.

12           MR. LINDELL: Do you want to respond?

13           MR. MILLER: The only thing I would say is  
14 this, the prosecutions of the gentlemen who sent the  
15 letters or flyer to Concord College was based on race.  
16 The prosecution for the civil actions that was brought  
17 against the individuals under the Housing Act was again  
18 based on race.

19           If you look at the Civil Rights statute in the  
20 Federal Code, but for one that deals with acting under  
21 color of law, which deals with police officers, you'll  
22 find that it requires some protected class nexus, that is  
23 race, sex, national origin, political affiliation, one of  
24 those protected class areas.

25           I would ask Mr. Mayer which class this

1 particular group fell in?

2 MR. MAYER: Aside from the fact that Ken  
3 Hechler is 84 years old, we were talking about the  
4 federal statute I believe that effects people interfering  
5 with First Amendment protected rights.

6 MR. MILLER: But it's predicated upon one of  
7 those protected classes, that's the problem. I doubt  
8 that this group attacked Mr. Hechler because he was 84.

9 MR. MAYER: No, they attacked him because he  
10 was exercising his First Amendment rights. I don't want  
11 to argue about this. I'm glad I've had a chance to say  
12 this, but I really don't believe that there's no federal  
13 statute that applies here, given the vast number of  
14 federal statutes.

15 MR. HINTON: His point is well-taken. He's  
16 trying to say that there are protected classes as defined  
17 by federal law and based as what you've described of your  
18 incident, none of those people fell in the protected  
19 class as indicated by the federal law and I would concur.

20 MR. MILLER: I guess the point that I would  
21 want to make is this. The Federal Civil Rights statutes,  
22 particularly the criminal statutes, are not the solution  
23 to every problem that exists in society. They are very  
24 narrowly construed by the Courts.

25 I deal with this every day with respect to law

1 enforcement officers and if you read the Courts decisions  
2 with respect to the interpretation of civil rights  
3 statutes on police officers, you'd be surprised at what's  
4 required.

5           Unfortunately, I get a lot of people coming to  
6 me saying here's a wrong, make it right. There are state  
7 laws that apply in situations like this. If the assault  
8 is committed, obviously everyone knows that there's a  
9 state statute against assault, there's a state statute  
10 against battery, if the injuries are significant it's a  
11 felony. There are destruction of property statutes,  
12 there's a laundry list of state statutes that are  
13 designed to deal with acts of violence committed by  
14 people against others.

15           Unfortunately, everyone has a First Amendment  
16 right to free speech and if someone interferes with that,  
17 it doesn't necessarily make it a crime. We can't cure  
18 every situation because of the power of the federal  
19 government. For the most part, I think you will find  
20 that there's a trend in the law today to narrow the focus  
21 of the authority of the federal government to pass laws  
22 that are wide-ranging and where there is no real  
23 interstate nexus, which what originally they were  
24 designed to do, to handle those kinds of situations that  
25 no state had authority over.

1           We talk a look at these cases very closely and  
2 confer with the Civil Rights Division and the Department  
3 of Justice, but we expect and have no authority to make  
4 state prosecutors do what they're supposed to do.

5           MR. LINDELL: Thank you. Lieutenant Gunno, do  
6 you want to address any training issues?

7           LT. GUNNO: Thank you. I'll call on David  
8 Stewart.

9           MR. STEWART: Thank you. I had planned to  
10 speak a little later, in the public portion, but I do  
11 have a question. We talked a lot about training.

12           My name is David Stewart and I work for West  
13 Virginia Advocates. I very often investigate cases of  
14 complaints that people have been discriminated against  
15 due to their disability and several times I have  
16 investigated cases against police departments or  
17 sheriff's departments because someone has felt that  
18 they've been discriminated against.

19           Any time that I've substantiated  
20 discrimination, it's been so far based on ignorance of  
21 the laws and the rights of people with disabilities.

22           Captain Cogar, you mentioned earlier the  
23 training that you do called "Critical Focus" and that was  
24 sort of a good segue into something I planned on talking  
25 about a little later, but I don't know if you're aware,



1 because you have been in this position for such a short  
2 time, the last class was cancelled because they couldn't  
3 get enough participants and the class before that,  
4 although they had several people signed up, ended up only  
5 being four advocates and four other people attending,  
6 which is kind of a (inaudible).

7 A mass mailing has gone out and to date, no one  
8 has signed up for it, other than (inaudible) and I just  
9 wanted to make you aware of that so you might help us  
10 promote that a little bit more and some of the folks that  
11 are in the room that are with the different entities, I  
12 know the gentleman from Charleston already left, but I  
13 plan on contacting him, too. I have some of the  
14 (inaudible) with me and I can give them to you if you  
15 need any.

16 But I think it's very important because when I  
17 did a training for the Charleston Police recruits, it was  
18 very obvious this is something they don't normally get  
19 and there's a lot of laws and just basic common sense  
20 things that apply to dealing with people with  
21 disabilities that are not being taught and I just want to  
22 express how important I think this training is.

23 MR. COGAR: Thank you.

24 MR. RODD: I want to just say a little bit on  
25 behalf of the Supreme Court of Appeals has, like I

1 believe many government agencies, has in the last year  
2 gotten basically a full time ADA compliance person  
3 working on access issues with courthouses and the entire  
4 judicial court system and has found that with proper  
5 training materials and a real captive audience of  
6 employees who you've got to show up for this training and  
7 you've got to get this sort of material, that we've got  
8 55 counties, 55 county seats, 55 courts and a magistrate  
9 court system and all these different entities and one  
10 person, who is a hard working person, can -- and various  
11 mandatory educations programs for all of those  
12 magistrates and commissioners and people who work in the  
13 judicial system can really raise consciousness to a very  
14 high level.

15           But I think that what people realize in that  
16 area, just to add to it, is that -- of course, government  
17 is perhaps not quite so sensitive to it, but it's a good  
18 insurance policy. When people bring claims in the  
19 private sector for disability discrimination or those  
20 sorts of things, the best defense is that we've trained.

21           We've done everything we could to get our  
22 people up to speed and build their consciousness in this  
23 area and then the level of responsibility and liability  
24 doesn't go quite so high and I think that's probably  
25 maybe less true in the public sector because they're not

1 quite so vulnerable to lawsuits.

2 And that probably extends across the board area  
3 of civil rights, that throughout the private sector as  
4 well, training, a good, proactive training program and  
5 probably in law enforcement is the best way to forestall  
6 liability if somebody does have a beef later on.

7 MR. STEWART: You're right.

8 MR. RODD: And there's a whole bunch of people  
9 who make a very good living training in the diversity  
10 area, as we all know, and it's precisely because people  
11 are getting something for their money. They're getting  
12 some degree of protection from lawsuits.

13 MR. STEWART: Since you brought it up, I would  
14 like to publicly thank Chief Justice Starcher, who called  
15 me in to do the initial training with those folks that  
16 you're talking about and I'd like to compliment  
17 (inaudible).

18 MS. CHIZ: I wanted to ask Mr. Stewart a  
19 question. Would you hazard a guess about the  
20 accessibility of courthouses in the state?

21 MR. STEWART: Actually, the interim committee  
22 that is looking at that issue has surveyed all the  
23 courthouses and I've not only done a training for the  
24 people who were going out to do the survey as to things  
25 to look for, but I've worked with the staff of the



1 and we'll take Reverend Heyliger, Mr. Barry Bowe,  
2 Ms. Williams.

3 We appreciate your presence here today in  
4 joining us to discuss civil rights issues. We'd like to  
5 ask that you limit your comments to 10 to 12 minutes and  
6 we'd like to start with Mr. Bowe, please.

7 MR. BOWE: Thank you very much. My name is  
8 Barry Bowe, I'm the principal at Chandler Elementary  
9 School, which is located on Charleston's West Side.

10 MR. HINTON: How do you spell your last name?

11 MR. BOWE: It's Bowe, B-o-w-e. Our school  
12 currently serves the residents of Orchard Manor, which is  
13 a public housing project, as well as Chandler's Drive.  
14 The student population is 102 students, all qualify for  
15 free lunch. This school has historically been a school  
16 of very low student achievement, as measured on  
17 standardized test scores.

18 There are two explanations that come to my  
19 mind. One is that the students have not master those  
20 skills that are measured on the SAT-9 tests and also  
21 there is low expectations by our students, their parents  
22 and unfortunately, even some educators.

23 To meet the specific needs of the students, the  
24 staff at Chandler Elementary School has worked very  
25 cooperatively, in spite of the politics and the lack of

1 stable leadership at the state and district level.  
2 Permit me to share just a few of our creative changes  
3 with each of you.

4 First of all, the traditional nine-month school  
5 calendar was developed when 85 percent of Americans were  
6 involved in agriculture. I don't believe that too many  
7 of my parents are farmers, therefore, at Chandler we have  
8 developed a year around calendar.

9 We believe that that long summer vacation  
10 breaks the rhythm of instruction and it leads to  
11 forgetting, it requires a significant amount of reviewing  
12 in the fall and it's also very significant in skill loss  
13 for special education students. At Chandler Elementary,  
14 40 percent of my student population has been identified  
15 and labeled as special needs children.

16 There's also a big equity issue. Higher income  
17 students have considerable educational advantages. With  
18 the modified or year around calendar, we provide 50  
19 additional days of instruction and for many of our  
20 children, even more significantly, 50 more days of  
21 nutritious meals.

22 Studies reveal that all children from lower  
23 income families lose skills during the summer, that this  
24 negative effect is especially significant in the areas of  
25 math and spelling. There is no significant difference

1 between male or female children and that this is negative  
2 effect increases as the child gets older.

3 Many of our students have lacked testing  
4 readiness skills and more significantly, lack self-  
5 esteem. Many politicians, educational administrators,  
6 parents and even teachers have very low expectations for  
7 poor children, specially poor children with yellow, brown  
8 or black skin. We in Charleston do not live and work in  
9 a colorblind society. We have progressed, but we have a  
10 long way to go

11 I must admit that I tell lies. I tell children  
12 that if you listen to Mozart that it makes you smarter.  
13 I tell children that they are smart, even though their  
14 test scores tell us that they are not. I tell them that  
15 peppermint candy is brain food and I tell them that  
16 yellow paper and the scent of lemons will make your brain  
17 work harder.

18 So when our students take the state mandated  
19 SAT-9 test, you will see yellow paper on every student's  
20 desk top, peppermint candy given generously to students  
21 and you will smell lemons throughout the building.

22 You will also see teachers who know that all  
23 children must perform well and most importantly, you will  
24 see students who know that they are smart.

25 There's an old classic movie called "The

1 Miracle on 34th Street." There was also a miracle at  
2 1900 School Street on Charleston's West Side. Test  
3 scores for '99 have improved so significantly that the  
4 students now score above the national average for the  
5 first time in two decades.

6 Chandler Elementary School is fully accredited  
7 for the first time by the West Virginia State Board of  
8 Education. Following a lengthy and somewhat exciting  
9 battle, Chandler Elementary School will remain open. We  
10 also will remain a year around school.

11 We will consolidate with (inaudible) Elementary  
12 School in July, which is a neighboring school, and we  
13 will serve a student population of 324. Each of us must  
14 continue our work.

15 Elementary schools are usually the first  
16 institutions to feel the impact of major changes in  
17 American society. Our schools in Kanawha County are  
18 still isolated by race and class. We face severe  
19 educational problems. No school in Charleston, West  
20 Virginia should have a minority population of 49 percent.  
21 No school should have a special education population of  
22 40 percent and no school should have a student population  
23 where 100 percent of its students fall below the poverty  
24 line and qualify for free lunch.

25 While some might believe that we've come a long



1 way, we must still continue to guaranty that every  
2 student, that every citizen is treated with respect and  
3 is permitted and expected to achieve in a land that  
4 continues to fight battles to guaranty equality and  
5 opportunities for everyone. Thank you.

6 MS. HART: Thank you, Mr. Bowe. Reverend  
7 Heyliger.

8 REV. HEYLIGER: Thank you. Good afternoon. My  
9 name is Alfonso Heyliger, I'm the pastor of Ferguson  
10 Baptist Church and I've been serving in the servant  
11 leadership at the Charleston Black Ministry of Alliance  
12 as president for the last ten years.

13 West Virginia has a population of less than 3  
14 percent minority, blacks. Our jail comprises of more  
15 than 50 percent black. Those are empirical data and I  
16 know people don't want to deal in terms of goals, but  
17 something is fundamentally wrong when we are  
18 disproportionately represented in our prison industrial  
19 complex here in the State of West Virginia, whose  
20 mountains are so beautiful.

21 Secondly, our concern as clergy is the  
22 (inaudible) of black males, in particular in our  
23 corporate and business offices. I am the father of three  
24 young ladies, two are college-educated, one is about to  
25 be graduated, but yet still I'm speaking for the males in

1 particular because when we talk about the continuing  
2 iteration or the pathology of our community, there is a  
3 correlationship between a strong working black man and  
4 his family.

5           We talk anecdotally about reverse  
6 discrimination as if it is on equal terms with  
7 discrimination. We have allowed it to almost become the  
8 moral equivalent. The fact remains when you look around,  
9 there are no black males. There are hardly any blacks,  
10 period and the black male in the corporate offices, there  
11 is (inaudible).

12           I told some of my friends that if there were an  
13 absence of white males in these offices, there would be a  
14 riot in Charleston. Something is fundamentally wrong.

15           What can we do? We cannot solve all the  
16 problems, but at least we will attempt to. As the  
17 Charleston Black Ministerial Alliance, we formed a  
18 covenant with One Valley Bank to provide financial  
19 assistance to our community.

20           Over the last four or five years, through this  
21 endeavor we have loaned over nearly \$9 million. We will  
22 give people an opportunity, those who have had even bad  
23 credit and bankruptcy an opportunity for them to redeem  
24 themselves so that they could be part of this American  
25 experience.

1           Oftentimes poor people pay the highest rates  
2 for things that do not appreciate. By entering into this  
3 covenant, we have agreed that that would be part and  
4 parcel of our endeavor. It is working.

5           Not only is there the financial component, but  
6 we also agreed that we will look at the employment  
7 component and we have worked together to introduce a  
8 system of training whereby we can take young college  
9 graduates and train them in all facets of banking and in  
10 five years, they can be qualified for any position within  
11 the banking industry.

12           As a result of our efforts, One Valley Bank  
13 employment for minority has risen from 4 percent to about  
14 47 percent, thanks to the cooperative effort that we have  
15 done.

16           As a church, we look at some of what we call  
17 the predictive aspects of our population and see what we  
18 can do to prevent it. One of the things that we have  
19 done, we have a faith-based initiative called KISRA,  
20 Kanawha Institute for Social Research and Action. Part  
21 of this is housing, job search, job placing, financial  
22 counseling and the like and part of that is that we have  
23 we (inaudible) center that has over 130 students that are  
24 enrolled, students from elementary through high school.

25           We give them computer literacy, tutorials,

1 mentoring and a hot meal every day. We are hoping that  
2 they could -- because of this, what we try to do, we try  
3 to augment what they've already learned and if there is  
4 any deficiency, we seek to give them one-on-one tutorial.  
5 This has become a real blessing and we find people that  
6 are coming from all over the valley to make sure and even  
7 outside of the valley, black and white, people of all  
8 socioeconomic backgrounds participate in this program.

9           This program has had the blessings of  
10 cooperation of the school system, some business leaders  
11 in the community and even the institution of higher  
12 learning.

13           Now, the reason why we are doing this is  
14 because we find if we can maintain some attention,  
15 especially in school, and we can ease the drop out rate,  
16 then the opportunity or the prospect for some type of  
17 behavior that is contrary to the norm is reduced  
18 significantly.

19           But even after we would have done that we would  
20 have done, it would even make our jobs even harder if  
21 these systematic or systemic problems in our society does  
22 not lend itself for an equal opportunity of our young men  
23 and our young women and so this is our concern.

24           I think I've used my ten minutes. Let me quit  
25 for now. I have a couple minutes left?

1           So these are our concerns. So even though we  
2 cannot solve everything on a macro level, at least on a  
3 micro level and from a church point of view we have  
4 committed our resources, much resources toward the  
5 empowerment of the people.

6           President Mandela, the former president of  
7 South Africa, at a toast at the White House about two  
8 years ago, said he thanked President Clinton because he  
9 decided that he asked the question not what he will do  
10 for Africa, but what he will do with Africa.

11           What we seek to do and I think that this where  
12 the civil rights needs to move, Jesse Jackson said that  
13 the full movement of the symphony is bringing Wall Street  
14 to Main Street, to empower the lives of our people and I  
15 think this is where we need to go.

16           This is what we're all about and so long as we  
17 have these vestiges that seeks to impede this group, then  
18 we will be where (inaudible) said we were nearly 100  
19 years ago. It is our challenge to see what we can do  
20 predictively and preventatively any contribution so we  
21 can make the lives of our citizens empowered. Thank you.

22           MS. HART: Thank you, Reverend Heylinger. I'd  
23 like to just make a brief comment. Mr. Bowe, I am  
24 familiar with the unique agricultural skills that the  
25 students at Chandler brought to their gardening program,

1 which is wonderful, and I'm blessed to have the  
2 opportunity to see firsthand the progress and development  
3 of KISRA and its contribution to the community, not just  
4 the community that it's housed in, but the surrounding  
5 community as well.

6 Ms. Williams.

7 MS. WILLIAMS: To the conveners, thank you for  
8 this luxury to inform and giving the common people an  
9 opportunity to speak. My name is Romona Taylor Williams  
10 and I am founder and executive director of Realizing  
11 Economic Development for Education, Enterprise and  
12 Morals. Most people refer to us as REDEEM.

13 I've been told that I'm a community activist, I  
14 don't know if that's appropriate, but what I do know is  
15 that there is an underlying force that drives me to speak  
16 against social and economic injustice, that won't let me  
17 hold my tongue and that gets me into trouble sometimes,  
18 but that's okay.

19 REDEEM is a constituency-based grassroots  
20 organization (inaudible) by the people that we serve, 51  
21 percent of our board members are low income and  
22 minorities and the remaining 49 percent are from the  
23 mainstream community.

24 Our mission is to broker relationships between  
25 diverse stakeholders to impact socioeconomic change for

1 the residents and the people of the community that we  
2 serve.

3 I am here today to talk about issues that I  
4 have encountered working at the grassroots level. Most  
5 of our constituents live in public or in low income  
6 housing or they live in distressed or transitional  
7 communities.

8 A typical profile of REDEEM -- a typical client  
9 profile of one of REDEEM's clients is that I am African-  
10 American, a single mom struggling to raise my children, I  
11 earn minimum wages, I live in public housing, low income  
12 housing or I'm on Section 8. My significant other is  
13 either unemployed or under employed and my sons are at  
14 risk for excessive force by the police and incarceration  
15 and my daughters are at risk for teen pregnancy and both  
16 of them are at risk to become high school drop outs.

17 Although I'm not an expert on civil rights  
18 issues, in my daily work I am exposed to what appears to  
19 be probably some of the worst cases of civil rights  
20 violations. I think what comes best to mind is how  
21 residents have been and continue to be criminally treated  
22 that live in Orchard Manor public housing, which seems to  
23 have escalated over the past four years as the result of  
24 Hold 6.

25 During previous Hold 6 applications, Charleston

1 Housing Authority displaced Orchard Manor public housing  
2 residents, in violation of HUD recommendations and  
3 guidelines. Residents were uprooted from their community  
4 of 15 to 30 years without relocation assistance or  
5 counseling.

6 Many residents moved their belongings in  
7 grocery shopping carts, some just simply walked away  
8 leaving them behind. Charleston Housing and others, CHA  
9 maintenance men placed their belongings on a dump without  
10 their consent. Residents protested, the applications  
11 were not funded, but nevertheless, they lost their home,  
12 their friends, their support systems and their community.

13 Many of those residents ended up in the  
14 homeless shelters and we are not sure what ultimately  
15 happened to these families. I could go on and on with  
16 such horror stories, but your time does not allow for  
17 further discussion or elaboration.

18 I encounter healthy men who desire to work and  
19 many of them do at less than living wage. The main  
20 complaint is I can't get a good paying job with a minimum  
21 wage, I can't raise a family on pennies, I'd rather not  
22 work than to be treated like a boy or I know I didn't get  
23 hired because I'm black. Yet our men daily go to the  
24 soup kitchens and hang out on the street corners drinking  
25 all day or engage in underground economic activity.



1           Last summer, had I had the means, I could have  
2 hired 50 to 60 youth who called my office looking for  
3 summer work. On a regular basis, mothers are calling me  
4 to seek advice about their sons and what they have  
5 encountered with the judicial system. No support systems  
6 are in place for them and our chat sessions are moms  
7 talking about their sons and men who have incarcerated or  
8 abused by the local police department. .

9           I live on the East End of Charleston, I often  
10 watch police officers jump out on the youth and on men,  
11 throw them to ground, put their feet on their necks and  
12 yank they arms behind their backs to handcuff them. This  
13 is not what I've heard, this is what I see and this is  
14 what we are tired of. We are tired of this abuse.

15           Black women have become widows and our children  
16 are orphans because so many of our men are incarcerated.  
17 Young African-American males are disproportionately  
18 expelled from Kanawha County schools. One instance was a  
19 young man who was kicked out for the entire school year  
20 because a white girl said he touched her, yet mixed  
21 relationships are the order of the day in West Virginia.

22           Did the young man accused touch the girl  
23 without her permission? He says no, she says yes. The  
24 issue here is that the act required this young man to be  
25 expelled for the entire year.

1           There are many other injustices that I could  
2 bring to your attention and elaborate on, such as fair  
3 housing violations, unfair procurement practices, unfair  
4 hiring practice, predatory lending and red lining by  
5 local banks and insurance companies.

6           Millions of dollars in construction projects  
7 have taken place through the valley, yet the presence of  
8 minority, women and disadvantaged businesses have not  
9 benefited from this economic growth.

10           We have serious problems in the River City, we  
11 have serious problems in our county, we have serious  
12 problems in the State of West Virginia and it's time for  
13 change.

14           Hopefully, this is the beginning the bringing  
15 the much needed change about. I would like to recommend  
16 that the mayor take a position on this matter and bring  
17 the necessary mediators and participants to the table.  
18 Study circles have proven quite successful across the  
19 country to evaluate and focus on such issues as racism  
20 and other social and economic injustice issues.

21           We are sitting on a time bomb in this community  
22 and it's just a matter of time before it will explode, if  
23 something is not done soon.

24           Our organization as recently implemented a  
25 grassroots leadership institute, West Virginia LEADS,

1 LEADS stands for Leadership, Emergence, Action,  
2 . Development and Sustainability. We also have a Minority  
3 Enterprise Development Institute and we have a Healthy  
4 Families, Health Communities initiative. Thank you.

5 MS. HART: Thank you, Ms. Williams. We'd like  
6 to invite Ms. Jerrick Hall, Erica Collier, Isaiah White  
7 to the mike, please.

8 MS. COLLIER: Hello, I'm Erica Collier, I'm  
9 from Roosevelt Junior High School and I'd really like to  
10 talk about some issues. Well, I would like to ask a  
11 question. There are a lot of stereotypes of officers and  
12 not all of them are alike. They think all African-  
13 American teens or African-American children do bad  
14 things. Does that give them the right to come up to use  
15 and ask us questions like what are you doing, what's your  
16 name, where do you live?

17 MS. HART: The law enforcement left for the  
18 day, but Greg, would you like to respond to that?

19 MR. HINTON: If they have reasonable grounds to  
20 be suspicious of you, and of course race is not  
21 sufficient reasonable grounds to be suspicious of you,  
22 but if your conduct is suggesting the commission of a  
23 crime or having already committed a crime, then they have  
24 the right to inquire.

25 A number of years ago there was a black man who

1 was in California and he was dressed in a very  
2 immaculate, neat white suit and he had dread locks and he  
3 was walking in an exclusive white neighborhood and the  
4 police came up to him and asked him who he was, because  
5 he had taken a little white boy into that neighborhood  
6 and he wanted to know who he was.

7 Of course (inaudible) and they established that  
8 unless they had some probable cause to believe that he  
9 was engaged or had been engaged in some kind of criminal  
10 conduct or about to engage in criminal conduct, they  
11 couldn't make such inquiry and being black is not  
12 sufficient to be suspicious of you. So the answer to  
13 your question is no, they don't have the right to.

14 MS. HALL: Hello. My name is Jerrick Hall,  
15 from Roosevelt Junior High School and I'm in the Hope  
16 Leadership Group Program.

17 I think there has been a lack of opportunity  
18 for young people to interact with the police in a  
19 positive light, especially on the East End and West Side  
20 that does not involve the criminal system. I live on the  
21 East End of Charleston.

22 Where I live, there are children running from  
23 the police. The children see the police as bad people  
24 who want to hurt or harm them. They don't view the  
25 police as people who want to help us and our community.

1           If children knew information about the police  
2 force and why they're here, maybe instead of running from  
3 them they would go interact with them.

4           Also, I would think that the community and I  
5 would appreciate it if the Charleston Police Department  
6 would talk to the young people in our neighborhood about  
7 the police system and why they are here to help us.

8           Also, I think that would not only help the  
9 children, but everyone in our community. If the police  
10 would talk to the children, they probably wouldn't grow  
11 up committing crimes and using drugs. Thank you.

12           MS. HART: Thank you, Jerrick.

13           MR. HINTON: If I may, I would like to say it's  
14 my hope that we would convey your feelings to the Chief  
15 of Police. It would be really great if he and some of  
16 the people on the staff, but particularly he as the  
17 chief, could sit down with you as a group of young  
18 people, very bright, very talented and begin to talk  
19 about how we can form a marriage between you as young  
20 African-Americans and the police department.

21           So I'm hoping that we will -- the chief had to  
22 leave, he had a meeting at 4:00, but it's my intention to  
23 make sure that he is made aware that you have that  
24 desire.

25           Until we come together, we'll never begin to

1 work out our problems, that's a great suggestion.

2 MS. WILLIAMS: I'd like to get Jerrick's phone  
3 number and her address. I live on the East End also and  
4 our organization is situated on the East End and we have  
5 a youth initiative and we work very closely with the  
6 police department and we're into negotiations about the  
7 very things that you just mentioned.

8 So I would like to invite you to be a part of  
9 the coordination of bringing that relationship and that  
10 marriage together and to work with us in helping us to  
11 better facilitate that.

12 UNKNOWN: (Inaudible.)

13 MS. HART: Can we invite you to the microphone,  
14 please?

15 MR. HINTON: We're making a record of all  
16 things that are said today and if you don't speak into  
17 one of the mikes, you may not get picked up. I can hear  
18 you, but the recording device may not hear you. I'm  
19 assuming that you're a school teacher there or something?

20 MS. MCKNIGHT: I'm Levetta McKnight and I work  
21 with Hope Community Development. I did extend the  
22 invitation to Chief Riffe as he left to come to our group  
23 and they have participated in some groups and dialogue  
24 where there have been police that were there also.

25 MR. HINTON: Did he give you any kind of

1 response?

2 MS. MCKNIGHT: He said he was coming.

3 MR. HINTON: Oh, good.

4 MS. MCKNIGHT: He didn't say when, but he said  
5 he was coming.

6 MS. WILLIAMS: Do you not have an officer that  
7 comes to the school where you have some type of  
8 relationship?

9 MS. HALL: In elementary school we had a DARE  
10 officer come talk to us about drugs (inaudible).

11 MS. WILLIAMS: Has Officer Jenkins come to --  
12 he's the community policing officer for the East End. Do  
13 you know Mr. Jenkins?

14 MS. HALL: I don't think so.

15 MR. WHITE: I'm Isaiah White and I got to  
16 Roosevelt Junior High School also. They closed down our  
17 (inaudible) to make it a parking lot, so there is no  
18 activity for us to do and they wonder why a lot of us are  
19 in trouble, so I was wondering if you could help with  
20 activities for us.

21 MR. HINTON: Isaiah, we are an advisory  
22 committee, unfortunately, and what we do, we give advice  
23 to the U.S. Commissioner on Civil Rights in Washington,  
24 D.C., who in turn gives advice to the President of the  
25 United States, so that's nothing that we have any power

1 or authority to do.

2 But I think it's important because if we don't  
3 find constructive things for young people to do, they  
4 will find things for themselves, but that is something  
5 that we just don't have any control over, unfortunately.

6 MS. CHIZ: We at the ACLU have pointed out to  
7 the Court in our briefing and in oral argument recently  
8 to Supreme Court that the lack of any alternatives and  
9 recreation in the City of Charleston virtually sends kids  
10 out in the street to play and just (inaudible) as they  
11 should be on a public street.

12 MS. WILLIAMS: On the East End we do not have a  
13 basketball court, we do not have a tennis court, we do  
14 not have --

15 MS. CHIZ: There's a basketball court at  
16 Celebration Station.

17 MS. WILLIAMS: Right, at Celebration Station,  
18 but they don't want us there.

19 MS. CHIZ: That's it.

20 MS. WILLIAMS: There are the older kids there,  
21 see. I'd like to say to you that for the past two years  
22 we have been advocating to the City of Charleston  
23 Department of Recreation to convene some public hearings  
24 or public meetings on recreational issues.

25 It's a serious problem in our community,



1 especially as far as our youth are concerned. There is a  
2 lot of revitalization that's taking place and plans for  
3 revitalization that's taking place on the East End right  
4 now and one stakeholder that we do not have at the table  
5 is we do not have our youth at the table, so we're not  
6 hearing your voices.

7 I see it from the perspective -- from my eyes  
8 and just seeing that these are voids in our community,  
9 but I think it would have a much greater impact on the  
10 decision makers if you will be part of and become a  
11 stakeholder at the table and at the discussion.

12 Don't allow us to speak for you, you must speak  
13 for yourselves and the way that you do that is you get  
14 involved and it is the time for you to get involved now,  
15 because these are things that you're going to be dealing  
16 with throughout your entire life.

17 MS. HART: For the three students that have  
18 spoken to us and have brought forth issues regarding  
19 police relations, the school closing and a relationship  
20 that they would like to establish and I'd just like to  
21 (inaudible) to Ms. Williams to invite you to participate  
22 in her program and at least share with me as a community  
23 person what the status of that is and I'll give you my  
24 name and number before you leave. We do have your  
25 information, is that correct?

1 REV. DAVIS: Can I raise a question?

2 MS. HART: Yes. We appreciate your comments.

3 REV. DAVIS: I simply want to call attention to  
4 the fact that Chief of Police Riffe had another meeting,  
5 but my statistics show that there are 183 police officers  
6 and why somebody else representing the chief couldn't  
7 take his place, he knew he had that 4:00 meeting, that's  
8 a timely exodus.

9 I see Marshall Maltz is here and the mayor  
10 isn't. I would hope and pray that Marshall will relay to  
11 our chief executive of the City of Charleston you're  
12 going up to the President, I want somebody to convey this  
13 information to the city officials of the City of  
14 Charleston, who either were too busy or had other  
15 commitments to be here, so I would hope, Marshall, that  
16 you carry that message.

17 MR. HINTON: I'm going to inquire, did you  
18 three young people sign your names on the thing back  
19 there with your addresses?

20 MS. HALL: Yes, sir.

21 MR. HINTON: Okay. Because if we need further  
22 comment from you, we want to be able to get a hold of  
23 you.

24 MS. LEE: I would just like to ask the teens,  
25 have you looked into -- and I know from -- I heard this

1 somewhere --

2 MR. HINTON: It's important that if you're  
3 going to be speaking, you speak into the mike so the  
4 recorder will pick it up and state your name, too.

5 MS. LEE: I just wanted to know if you have  
6 looked into the possibility of Roosevelt being developed  
7 into a recreation department or a recreation center for  
8 the youth or a community center, since we're not going to  
9 do anything with it, from what I understand.

10 MR. HINTON: Would you please go ahead and put  
11 your name on the record so we know who --

12 MS. LEE: My name is Eileen Lee.

13 MS. WILLIAMS: Mayor Goldman -- and I'd like to  
14 say that the mayor has been very attentive to our  
15 concerns and our issues since he's taken office and he  
16 has been in negotiations with the Kanawha County School  
17 Board with the hope that the city will be able to acquire  
18 Roosevelt for a dollar or whatever.

19 We are going to be doing a letter writing  
20 campaign to (inaudible) school board from residents in  
21 the community, asking them to please support the mayor's  
22 effort in wanting to acquire Roosevelt.

23 Number one, if the building is left there, it's  
24 going to be -- it's just going to deteriorate and it's  
25 going to go to vagrants and that type of thing and it's

1 going to attract undesirable activities in the community.

2 So we feel that its best use would be to be  
3 converted into a community center. It sits right in the  
4 center of the community, it could be an anchor for the  
5 community, for gatherings. We have no place in the  
6 community to come together and just unite. If we want to  
7 have a community meeting or a town meeting, we don't have  
8 those facilities available to us.

9 We do have churches in the community who have  
10 been very gracious and opened their doors up, but  
11 unfortunately, sometimes we do not get the wider range of  
12 participants to come out when we have to hold our  
13 meetings in churches, so we need that community center.

14 MS. LEE: That would be great.

15 MS. WILLIAMS: We would ask that everyone also  
16 send a letter to the mayor, continue to encourage him to  
17 yes, let's move forward on this, it's too great of an  
18 asset, first of all, to lose out of our community. But  
19 that is one of the options that we're looking at.

20 UNKNOWN: That commitment, even though -- I  
21 would like to see -- even though I know the mayor is  
22 committed to do that, I think you have to look for a  
23 commitment from the City Council because he only has the  
24 one vote.

25 MS. WILLIAMS: You're absolutely right and we

1 have 26 people who sit on our City Council, so it's kind  
2 of complex.

3 UNKNOWN: Right. And I'd just like you to keep  
4 that in mind.

5 MS. WILLIAMS: Lobby and advocate to your City  
6 Council people also that this is something that's  
7 desperately needed in the East End. I think if we work  
8 together from a comprehensive perspective and although we  
9 may live in different wards, I need your support because  
10 it's like I need your City Council person to say yes to  
11 this, so we're working very diligently and very hard  
12 because we have nothing in our community for our  
13 children, absolutely nothing.

14 UNKNOWN: I'm very, very pleased to do that.

15 MS. WILLIAMS: Thank you.

16 MS. ROPER: I want to commend those three  
17 students who came for what you did and if you can  
18 encourage your friends to step up to mike as you did,  
19 please do so because we need to hear from young people  
20 like yourself. We don't need to wait until trouble has  
21 already happened. I'd also like to comment your teacher  
22 for working with you, bringing you out.

23 I also have a question for Mr. Bowe. Are you  
24 familiar with the Energy Express Program?

25 MR. BOWE: The writing program in the summer?

1 MS. ROPER: It's a reading program.

2 MR. BOWE: Yes, it's been funded at A.J.  
3 Robbins Elementary, which is on the West Side.

4 MS. ROPER: You said you're 100 percent free  
5 and reduced lunch, so it seems like your school would be  
6 eligible for --

7 MR. BOWE: We're not closed in the summer,  
8 we're a year around school, so we don't usually qualify  
9 for those summer enrichment programs, because we are  
10 already open as a regular school.

11 MS. ROPER: Oh, you're open in July?

12 MR. BOWE: Yes, ma'am. July 1 we start next  
13 year.

14 MS. WILLIAMS: I wanted to make a comment about  
15 the Kanawha County School Board. During the last grant  
16 writing season for the Century 21 Learning Centers the  
17 Kanawha County School Board worked in partnership with  
18 West Virginia State College on the grant writing of it  
19 and for some reason, they did not feel that it was  
20 necessary to include the inner city schools within the  
21 application, under the excuse that our schools receive  
22 Title 20 funds.

23 So the schools that have predominantly African-  
24 American children attending those schools were left  
25 totally out of the grant application, which would bring a

1 significant amount of resources into the community in  
2 order to work with our children.

3 We have grave concerns over how African-  
4 American children are treated in Kanawha County Schools  
5 and we would like to see something investigated or  
6 something done and it's pretty incredible because  
7 whenever you ask them for geographic information, there  
8 seems not to be a tracking mechanism in place and I don't  
9 quite understand that, either. Maybe that's something  
10 else that we can look into.

11 MR. MAJUMDER: Would there be any reason why --  
12 you said board of education, Kanawha County Board of  
13 Education?

14 MS. WILLIAMS: Yes.

15 MR. MAJUMDER: Is there any reason that the  
16 grant will be negatively effected by involving these  
17 schools or what would be the reason not to include them?

18 MS. WILLIAMS: No. When the technical  
19 assistants provided Penny Dowd to do the work shop on the  
20 grant application, she strongly emphasized that the inner  
21 city schools should be included in the grant and that the  
22 schools should work and include the community based  
23 organizations, which neither did they do.

24 The community based organization, like Reverend  
25 Heylinger's organization, Hope Community, we work

1 directly with the people who live in the community and  
2 we're the ones who nurture and massage our communities to  
3 get them involved.

4 We do not have the resources in order to do the  
5 things that we need to do and in order to make a  
6 significant impact, although the work that we're doing is  
7 -- if that work was not there, then it would definitely  
8 be a much greater problem, so it's just kind of -- they  
9 do things different, that's all I can say. It's just  
10 done somewhat differently than other areas where I've  
11 lived in the past and I don't quite understand that.

12 Maybe they need to have stimulation put behind  
13 them to look at things differently.

14 MS. HART: Mr. Bowe, for the record, am I  
15 correct that the population is 49 percent minority at  
16 Chandler?

17 MR. BOWE: That is correct.

18 MS. HART: And 40 percent special education and  
19 100 percent under poverty level?

20 MR. BOWE: That's correct.

21 MS. HART: Mr. Stewart, would you come to the  
22 podium, please?

23 MR. STEWART: Thank you. I know you folks are  
24 tired, you've been here a long time and I'm going to try  
25 to keep this very brief. I do want to thank you again



1 for the opportunity to address this panel and the  
2 opportunities you've given our community.'

3 I want to hit briefly on four short points that  
4 effect people with disabilities. I mentioned earlier the  
5 police training and the importance of that training. We  
6 have a lot of folks in the community being arrested  
7 because they have cerebral palsy and are perceived to be  
8 drunk or they have a mental illness and act in a behavior  
9 that may seem odd to some people and we teach a lot of  
10 education on those issues.

11 We have people in prisons that shouldn't be  
12 there, they're simply in prison because they have a  
13 disability and the crimes they've committed are direct  
14 manifestations of those disabilities that should be  
15 treated, not incarcerated for.

16 I wanted to mention the training while the  
17 police were here, they're gone now and I am a little  
18 upset about that because I feel those of us in the room  
19 are preaching into the choir, so a lot of times it  
20 doesn't seem effect. I am glad these comments are being  
21 recorded.

22 As far as the issue of the ADA coordinator that  
23 the mayor brought up, we do thank him for that  
24 appointment, but he's a little incorrect, he's not the  
25 first ADA coordinator for the City of Charleston, but

1 that's sort of a moot point.

2 The point I'd like to make, although they  
3 appointed at ADA coordinator, the gentleman, as well-  
4 meaning as he may well be, has no ADA knowledge. The  
5 fact that he has a disability does not make him an  
6 expert.

7 The State of West Virginia has appointed an ADA  
8 coordinator, she only has two days a week in this large  
9 state for someone to come on a population of 200,000  
10 people with disabilities in West Virginia. When she only  
11 has two days a week, no matter how knowledgeable she is,  
12 she can only do so much.

13 Most of the agencies that employ (inaudible)  
14 that are required to have ADA coordinators do not have  
15 them. The Department of Health and Human Services may  
16 identify someone as their EEO or human relations person,  
17 but they are not an ADA coordinator and have no ADA  
18 knowledge.

19 The Division of Rehab Services that serves  
20 people with disabilities does not have an ADA coordinator  
21 that is knowledgeable about ADA issues. In fact, I don't  
22 even know if they have anyone that they've named as an  
23 ADA coordinator.

24 Most of the county schools do not have an ADA  
25 coordinator. They say they have (inaudible) ADA

1 coordinators, if you call, they'll give you a name, but  
2 none of these folks have ever been trained in any way to  
3 address these issues.

4           As I said earlier, and I'm sorry, I didn't  
5 identify myself when I came up here, I am David Stewart  
6 and I work for the Designated Protection and Advocacy  
7 Service for People with Disabilities. That means I go  
8 out and investigate any case of discrimination against  
9 people with disabilities that fall within our program.

10           That involves schools, public entities and when  
11 I go out, the first thing I try to do is identify the  
12 person that I can deal with and most of the time, in  
13 education it ends up being the special ed director and  
14 not a ADA coordinator or anyone with any knowledge of  
15 those issues.

16           Another brief problem I want to mention, and  
17 this just came up today, I said something to my executive  
18 director, she asked me to identify some of the people in  
19 the community, somewhere in West Virginia, to go to a  
20 training in Washington and contacting several disability  
21 organizations, we could only come up with two people that  
22 fit the category.

23           It's the ones with disabilities that will  
24 represent (inaudible) and this pointed out the big  
25 problem that we have in this state, the service that

1 we're (inaudible). We have services, all have fallen  
2 short of reaching the minority communities.

3           Disability does not know color, it doesn't know  
4 race, it doesn't know religion, but yet of all the cases  
5 I have open right now in my files, I probably don't have  
6 six people of color in those files. I know people with  
7 disabilities are out there, but we're not reaching them  
8 and I'd like any input anyone can give into how to reach  
9 these folks.

10           A lot of times it's a cultural thing. People  
11 in West Virginia are very close knit and we'll take care  
12 of our own and we don't want you government people coming  
13 in and bothering us and it's a problem we've got to  
14 overcome, that we aren't reaching the minorities.

15           The last thing I want to mention and I hope --  
16 I kept this to the last in case you folks throw me out.  
17 I am very concerned that people with disabilities are not  
18 at the table. If this panel were made up of all white  
19 people, the people of color that were here today would  
20 not take you very seriously.

21           I realize disability issues are just now coming  
22 to the forefront, we've only had the ADA for ten years  
23 and a lot of times disability issues are not really  
24 thought of as civil rights issues, but they are. We  
25 should be at the table, having input.

1           When the Governor formed the Domestic Violence  
2 Taskforce, there was no one with a disability or no one  
3 representing disability issues on that taskforce. We  
4 pointed that out to the Governor's Office, there still  
5 isn't anyone on that taskforce. People with disabilities  
6 have domestic violence problems, too.

7           Any time a group is formed, the one group  
8 you'll see left out consistently is people with  
9 disabilities and that needs to change.

10           Again, I thank you for your time and I hope you  
11 don't have too many (inaudible).

12           MR. HINTON: Mr. Stewart, so you'll be aware,  
13 less than a year ago we had a forum and we dealt  
14 specifically with the issue of disability and we debated  
15 whether to have it at Morgantown or to have it here in  
16 Charleston, of course we had it in Morgantown and we did  
17 have people from this great community there, we had  
18 hearing impaired, we had interpreters who were there for  
19 the entire day.

20           It started early that morning and went to past  
21 5:00, so actually it was a longer forum than the one that  
22 we have here today. But we haven't at all made any  
23 effort to exclude anyone with disabilities, but we were  
24 trying to deal primarily with police/community relations  
25 for this forum and had someone who was disabled been

1 identified as being able to speak to the issues of  
2 police/community relations, we would have had them on our  
3 panel.

4 But we thank you for your comment, but like I  
5 say -- and you can note that we'll be making our national  
6 report, which will include issues about disabilities and  
7 we were appalled at what we heard in Morgantown, that not  
8 only are they invisible people, but in many cases they  
9 have actually been harassed and it was just -- but we had  
10 our ears full and was very disappointing, some of the  
11 things we heard in June about the disabled community.

12 MR. STEWART: I was aware of that, but I wasn't  
13 able to go to it, but there were folks from our office.  
14 I wasn't referring to the panel that you brought in, I  
15 was referring to the committee.

16 MR. HINTON: Right.

17 MS. CHIZ: There was actually a disabled person  
18 -- I'm Hillary Chiz again. Actually, a disabled man  
19 died in the custody of Charleston police within the past  
20 two, two and a half years. He was drinking across the  
21 street from Town -- around Town Center Mall, but was a  
22 disabled person and he was perceived to be drunk and  
23 disorderly, was wrestled to the ground, he was an obese  
24 person and in violation of the Charleston Police  
25 Department's own internal policies about how to use

1 pepper spray, as well as how to handcuff someone, he was  
2 handcuffed behind his back, hog tied, which is where your  
3 feet and hands are tied behind your back, pressed against  
4 a curb across the street from the mall that impacted into  
5 his chest and then when he was pepper sprayed along with  
6 that, pepper spray is contra-indicated for anyone with  
7 diabetes, with asthma, there have been numerous deaths in  
8 police custody by people who were pepper strayed. This  
9 man died.

10 I think there's a civil suit currently, but the  
11 internal investigation found that the police had not done  
12 anything wrong. I bring that to your attention to follow  
13 up what has been said because many times people with  
14 disabilities -- this man was drinking, but many times  
15 people with disabilities are presumed to be rowdy,  
16 disorderly, violent when in fact there is a lack of  
17 understanding on the part of the police that they are  
18 exhibiting symptoms of their disability.

19 MR. HINTON: Mr. Stewart, the Commission in  
20 Washington, D.C. will be accepting recommendations for  
21 appointments for (inaudible). The address of the  
22 regional office is inside the program here and I'm sure  
23 Mr. Pentino would recommend and would welcome any names  
24 that you have. We had (inaudible) but we'd be happy to  
25 have names of people.

1           MR. STEWART: Thank you. Please don't take it  
2 as I was -- I think is great, I have friends on this  
3 committee and I know where their hearts are, it's just  
4 that -- and I see some people with disabilities out  
5 there, too.

6           MS. HALL: Excuse me, I'd like to say something  
7 else, too. On the East End --

8           MR. HINTON: Repeat your name again so we'll  
9 know.

10          MS. HALL: Jerrick Hall, Roosevelt Junior High  
11 School. Since there are no recreation centers and things  
12 on the East End, a lot of kids have been hit by cars. My  
13 brother has been hit by a car, my brother has been hit by  
14 a car twice because of playing football in the street,  
15 because there's nowhere to play and that's why we need  
16 recreation centers and things, so kids won't get hurt  
17 while they're trying to play and things.

18           Thank you, that's all I wanted to say.

19          MS. HART: Are there additional questions?  
20 Dr. Evans.

21          DR. EVANS: I just wanted to make a general  
22 comment that the young people talked about police  
23 brutality and I'm from Florida and we have two well-known  
24 police brutality cases, the Lagano trial and Alvarez,  
25 cases in which the police who are supposed to patrol the



1 areas where the Black Americans live, were fearful,  
2 basically.

3 They were fearful of the people, they went  
4 along with the general United States attitude for  
5 African-Americans and they were suspicious of the people  
6 in the community and I think this is what the problem is  
7 when it comes to police brutality and the young, that  
8 they are suspicious of black people, but that's a  
9 national problem, because most grown ups who have no  
10 familiarity with the African-American community feel that  
11 way and I believe, as a social scientist, that if you are  
12 fearful of a community, you should not be able to patrol  
13 that community. Thank you.

14 MS. HART: Thank you.

15 REV. HEYLIGER: May I speak, Ms. Hart? It's  
16 the general attitude. I can remember I heard the  
17 moderator at a conference at West Virginia State College  
18 and I recall one of the vice presidents, Dr. Ledbetter,  
19 said that if he was dressed in a suit and he ran into a  
20 store, nobody would bother him and this is into a comment  
21 that you made, Chairman, but he said if he had dressed in  
22 his jeans, he was accosted.

23 About a month ago, I went into a Rite-Aid. I  
24 have on a suit because most times I wear a suit and a  
25 lady there, a white lady, as soon as I walked in, she

1 went and she followed me, looked at me funny. When our  
2 eyes met, she turned and she walked away.

3 I could have caused some real disturbance, but  
4 I chose to let that go, but here I'm at half a century  
5 old and somebody is going to follow me. Regardless of  
6 what achieve that I have made personally, professionally  
7 and what have you, somebody is going to follow me, be  
8 suspicious of me because I am black. It is not disputed.

9 If we seek to better our society, but yet place  
10 the society in a context whereby these young people feel  
11 suspicious already, their minds and their spirits are  
12 kind of breaking by this negative feeling and so the  
13 chasm becomes wide and this now infiltrates every aspect  
14 of their lives.

15 And then if I'm a victim of it myself, if I,  
16 who am supposed to be successful, did all the right  
17 things, dress all the right ways, if I can feel that, you  
18 can imagine young people in a hip-hop generation.

19 MS. HART: Thank you, Reverend. Do we have any  
20 additional comments?

21 MS. MCKNIGHT: I just have a comment, it's not  
22 necessarily for the record, but I just want to  
23 acknowledge --

24 MR. HINTON: But we want it, though. We want  
25 your name again.

1 MS. MCKNIGHT: Levetta McKnight with Hope  
2 Community Development. I just wanted to acknowledge the  
3 work of Reverend Heyliger and Barry Bowe. I'm also a  
4 teacher at the school and I have made referrals to both  
5 of their programs and I know Barry, when he was at the  
6 music department also and I've had contacts with him and  
7 Romona and they're doing very good work and I think that  
8 it's work that can be replicated in other areas and I  
9 just would encourage people to (inaudible).

10 MS. WILLIAMS: I'd also like to say that as the  
11 result of our advocacy work in the community and working  
12 with the residents, the Mayor has just appointed a  
13 resident to sit on the Charleston Public Housing  
14 Commission and that's the result of our work in the  
15 community.

16 MR. HINTON: He told us that this morning. He  
17 seemed quite proud of that.

18 MS. WILLIAMS: Well, we work very hard in order  
19 to make those type of institutional changes take place  
20 and that's what our grassroots leadership institute  
21 focuses on, West Virginia LEADS.

22 We focus on developing grassroots leader among  
23 low income and minority residents so that they will be  
24 able to sit in a peer position at the decision making  
25 tables, so we're -- change is happening, we just need

1 help here.

2 MS. HART: Ms. Williams, can you share with the  
3 group what West Virginia LEADS stands for?

4 MS. WILLIAMS: LEADS stands for Leadership,  
5 Emergence, Action, Development and Sustainability.

6 MS. MCKNIGHT: I would just like to say one  
7 thing. I commend all of you, every one of you. I can't  
8 comment you enough. What I would like to see is a  
9 network statewide so we don't have to keep reinventing  
10 the wheel in our area. I'm from the Southern part and  
11 I'd like to take everybody down there and maybe we can  
12 shake them up.

13 I've always said I don't want to shake up the  
14 boat, I want to turn it over, I want it to capsize.  
15 Let's wash it out and start it all over again.

16 But we have to work together on doing that.  
17 The grassroots people who really get involved with these  
18 issues and somehow we've got to have some statewide  
19 summit where we can do that.

20 MS. HART: Thank you.

21 MR. HINTON: Well, we want to thank you for  
22 coming out. That will conclude our three panels and open  
23 session. We are now going to adjourn and we as the West  
24 Virginia Advisory Committee, we have some business to  
25 take care of, a little planning session, so we'll give

1 you a chance to excuse yourself and we'll have our  
2 meeting here for -- I don't know, I guess we won't be  
3 here too long, but again we want to thank all of you who  
4 have come out.

5 I'm disappointed to hear what I'm hearing, but  
6 I hear still a lot of interest and we have not lost hope  
7 that society has a capacity to change and will change and  
8 those of you who are out there in the trenches, the only  
9 thing I can is keep on keeping on, change will come. But  
10 thank you very much.

11 (Whereupon, at 6:04 p.m. the meeting was adjourned.)

12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

This is to certify that the attached  
proceedings before: U.S. COMMISSION ON CIVIL RIGHTS

In the Matter of:  
COMMUNITY FORUM

were held as herein appears and that this is the  
original transcript thereof for the file of the  
Department, Commission, Administrative Law Judge  
or the Agency.

**EXECUTIVE COURT REPORTERS, INC.**  
1320 Fenwick Lane, Suite 702  
Silver Spring, MD 20910  
(301) 565-0064

---

Official Reporter

Dated: APRIL 20, 2000