

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

COMMUNITY FORUM

ON

POLICE-COMMUNITY RELATIONS IN SOUTHERN WEST VIRGINIA

**ORIGINAL**

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THIS HEARING IN THE ABOVE-STYLED ACTION, WAS TAKEN  
BEFORE CAROL CURRY-ADAMS, SHORTHAND REPORTER AND NOTARY  
PUBLIC IN AND FOR THE STATE OF WEST VIRGINIA, ON THE 21ST  
DAY OF MAY, 1991, COMMENCING AT THE APPROXIMATE HOUR OF  
9:15 A.M., AT MARSHALL UNIVERSITY, 400 HAL GREER  
BOULEVARD, HUNTINGTON, WEST VIRGINIA.  
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THE WEST VIRGINIA STATE ADVISORY COMMITTEE:

Ki-Taek Chun, Deputy Director, Eastern  
Regional Division  
Marcia Pops  
Robert A. Brunner  
Bernard Gottlieb  
Gregory T. Hinton  
Regina S. Lipscomb  
Donald L. Pitts

PANEL ONE: COMMUNITY REPRESENTATIVES:

Stephen Starks  
Walter Leach  
Arley R. Johnson  
Larry D. Patterson  
Saribel Reynolds  
Phil Carter

PANEL TWO: LAW ENFORCEMENT OFFICIALS:

Dale Humphreys  
Gary L. Wade  
Dallas Staples  
Jerry Hutchinson  
R. Michael Mangum  
Sherwood Brown

PANEL THREE: COMMENTATORS:

Paul Sheridan  
Quewanncoii Stephens  
Constance Burke  
William Dotson

1 MS. POPS: We'll go ahead and get  
2 started. We don't want to get a reputation for being  
3 too late. Ki-Taek Chun is the Eastern Regional Director  
4 of the United States Commission on Civil Rights. He's  
5 here from Washington, DC. He is passing out a form that  
6 we would like you to sign your name to. Now, this is a  
7 sign-up sheet, right Ki-Taek?

8 MR. CHUN: Right.

9 MS. POPS: The regular sign-up sheet.  
10 Because we're also going to give you an opportunity to  
11 sign up for the report that we'll issue out of this  
12 meeting if you want your own copy of the report.

13 This is our first West Virginia forum on  
14 Police-Community Relations, and this one is specifically  
15 to the southern West Virginia regional area. And we  
16 have some very specific goals, and I am going to give  
17 you four of them.

18 One is to provide the community organizations  
19 and individuals an opportunity to air grievances,  
20 explain attitudes, and describe perceptions.

21 Two is to provide the police department and  
22 other public officials an opportunity to describe and  
23 explain their operations, such as recruitment,  
24 employment, training, handling grievances and  
25 complaints, and policies and experiences regarding the

1 use of force.

2 Three is to provide both sides with  
3 strategies and initiatives for change.

4 Four, we're to hold the forum to have an  
5 ameliorating influence on the problems which will be  
6 discussed.

7 There will be a summary report or a published  
8 transcript of this forum. But one major initial impact  
9 is going to be the forum itself. The United States  
10 Commission is a fact-finding agency concerned with  
11 discrimination and denial of equal protection of the law  
12 because of race, color, religion, sex, age, handicap and  
13 national origin. Each state and the District of  
14 Columbia has a state advisory committee to act as the  
15 eyes and ears of the U.S. Commission on Civil Rights.  
16 Members of each state advisory committee come from  
17 throughout the state and represent a balance of each  
18 state's population.

19 We have 11 members, not all of whom are here  
20 today. Starting on my far right is Greg Hinton, and  
21 next to him is Ki-Taek Chun from Washington, DC, Regina  
22 Lipscomb, Bernard Gottlieb, Bob Brunner, and myself,  
23 Marsha Pops. And we're so happy that you're here.

24 And what I need to do now is to introduce  
25 today's most important member of our committee who is

1 chairing today's program, Don Pitts.

2 MR. PITTS: Thank you, Marsha. Ladies  
3 and gentlemen, if our state advisory committee  
4 investigates police reports and prepares publications  
5 that go out, hopefully that will influence the area of  
6 civil rights. And so in the initial concept of this  
7 particular project, it was our desire that we gather  
8 information concerning the tactics of the community and  
9 police relationships in southern West Virginia.

10 To that end, some of you have been invited  
11 here to give us that information and make statements. I  
12 hope that it will not be a time or a moment where we'll  
13 be taking individual pot shots at each other, but  
14 gathering information that will be pertinent to the  
15 resolution of problem areas in our community. I feel in  
16 many cases that they're being policed rather than  
17 protected.

18 And so to that end, we have come. I hope  
19 that we will leave here with some ideas of where we are  
20 going to go in the future and how the problems may be  
21 resolved.

22 So with that understanding, we are glad to  
23 have with us this morning on the first panel a long time  
24 friend of mine, Mr. Phil Carter sitting here. Saribel  
25 Reynolds, I would suppose is the lady sitting there

1       adorning the table of thorns. Larry D. Patterson is  
2       here. Mr. Leach is not here, my long time friend and  
3       co-worker throughout the state. Arley Johnson is also  
4       here, Councilman for the City of Huntington. Also we  
5       have another distinguished Huntitionian here, a personal  
6       long time friend of mine, the Mayor. Bob, please, give  
7       us a few words.

8                       MR. NELSON: Thank you. Good to see  
9       you. I just want to give a Huntington welcome and a  
10      Tri-state welcome to the West Virginia State Advisory  
11      Committee, to the US Commission of Civil Rights, and  
12      also welcome Ki-Taek Chun to our city and the others who  
13      are staffing this meeting.

14                     I don't think it's an accident that this  
15      advisory committee is meeting here in Huntington. I  
16      think to some extent this city represents some of the  
17      problems between its citizens and law enforcement  
18      agencies throughout this state. We are probably a  
19      little more visible now because we're trying to do  
20      something about it for the first time in a long time.

21                     The solutions aren't easy, and they may not  
22      be immediate. But I think the critical part is we have  
23      taken the very important first step. We have recognized  
24      that we have a problem. It's a longstanding problem.  
25      In many instances, it has been deliberately ignored.

1 It's been systematically left to its own end, and I  
2 think as this meeting unfolds today, I hope that those  
3 representatives of the community and from the law  
4 enforcement agencies of this area, particularly in the  
5 city, that you will be informed of some very positive  
6 steps we have taken and will be taken to deal with the  
7 matter of citizen participation and citizen awareness  
8 and citizen knowledge of what our law enforcement  
9 agencies do, why they do what they do. And I think very  
10 significantly, the lack of resources to enable  
11 particularly this community to do the kinds of job that  
12 needs to be done.

13 And finally, the manner in which we end up  
14 selecting and employing law enforcement officers and the  
15 myriad of state and in some instances federal  
16 regulations that in some instances create a detriment to  
17 be able to resolve problems, for example, of credible  
18 and easily or early attainable adequate manpower.

19 Right today in the City of Huntington, they  
20 are at least 16 officers under the minimum number that  
21 we have to patrol and take care of law enforcement of  
22 the city. If we employed a police officer today, it  
23 would be at least nine months, maybe longer, before that  
24 police officer can get on the street and do the job  
25 because of the time consuming-- it may be necessary, but

1 certainly the training and certification process by  
2 which that officer has to successfully complete needs to  
3 be reviewed from the standpoint of either cutting that  
4 down or to provide a greater resource to insure that all  
5 the training and certification required can be done in  
6 less time.

7 But I want to welcome you here. I hope that  
8 there is good healthy positive dialogue. Marsha, I want  
9 to welcome you, too, as Chair. And that we come away  
10 from this, again, in the manner that I think this  
11 administration has represented to this city, that we are  
12 a city of one. The extent that one person in this city  
13 is discriminated against or treated differently,  
14 especially by public officers, public employees, to that  
15 extent, this city is no better than that one  
16 mistreatment. We have the resources here, I believe, we  
17 have the offices, we have the personnel, we have the  
18 boards, we have the commissions, but we haven't gotten  
19 over the hump.

20 Hopefully, this is another step of getting  
21 over that hump, because we have the community, the  
22 cities, and representatives together. Hopefully out of  
23 this report we get, we all will benefit. So thank you  
24 for being here.

25 MR. PITTS: Thank you, Bob. Marsha,



1 This was not our designated meeting area, and I would  
2 like for you to direct a letter to this university  
3 indicating that we were moved without proper notice and  
4 that we were replaced by the banking people. And that  
5 says something for this university. I think that that  
6 should be loud and clear. I would also talk with the  
7 provost, because I know him personally. Ki-Taek, I hope  
8 that you will take care of that for us.

9 MR. CHUN: I will try.

10 MR. PITTS: We have not come to condemn  
11 or to judge local law enforcement authorities in  
12 southern West Virginia. But we have come hoping again  
13 that we'll be able to hammer out a resolution for the  
14 problems that do exist within the communities and how  
15 they view law enforcement personnel and how law  
16 enforcement personnel view the community in which they  
17 serve.

18 As a part of our process, we must indicate  
19 that we'll not tolerate any defamatory statements in  
20 these proceedings, and that anyone here can make a  
21 statement. If we have a lack of time and not able to  
22 have your statement verbally presented here today, you  
23 may forward it to us in writing and it will become a  
24 part of the final report.

25 A list is being provided, I suppose that

1 Marsha told you, that's being passed around for  
2 attendance here today, so please sign that list. And if  
3 you wish, you can give us your address and Ki-Taek can  
4 put you on our national mailing list and you can receive  
5 the publication from the US Commission.

6 Even those that are on our panel today,  
7 because of the twelve minute limitations were given, if  
8 you have additional information that you wish to become  
9 a part of your report, you may do so in writing. It  
10 will be appended to the report.

11 MR. CARTER: Quit looking at me.

12 MR. PITTS: Phil, I'm not saying  
13 anything.

14 Let me just give you a little historical  
15 background. Through the enactment of the Federal  
16 Advisory Committee Act of 1972, US Congress formally  
17 recognized the merits of seeking the advice and  
18 assistance of the nation's citizens. At the same time,  
19 the Congress sought also to ensure that advisory  
20 committees would, one, provide advice that is relevant,  
21 objective and open to the public; two, act promptly to  
22 complete their work; and three, comply with regional  
23 cost controls and recordkeeping requirements. I guess  
24 everybody is feeling the crunch right now.

25 Each federal agency that sponsors an advisory

1 committee must adhere to requirements established by the  
2 Federal Advisory Committee Act, as well as those  
3 administrative guidelines provided by the US General  
4 Service Administration on Committee Management  
5 Secretary. GSA has the responsibility for overseeing  
6 all of the advisory committees, and I am told that there  
7 are times when there's approximately a thousand advisory  
8 committees operating within the confounds of US  
9 government. We have the power to call and adjourn  
10 meetings, approve agendas, maintain required records and  
11 costs and memberships, assure efficient operations,  
12 maintain records for availability to the public, provide  
13 copies of all reports of committee management to the  
14 Library of Congress.

15 Now, what will happen with the report that  
16 comes out of this preceding here, it will be published  
17 and presented to the President and the members of  
18 Congress. Hopefully, they will find something in here--  
19 and we may come up with something that could be used as  
20 a national project.

21 So, I want to welcome you all here, and  
22 thanks for coming. We hope that we will all leave here  
23 with a little more knowledge, and a far better feeling  
24 than we came. So, thank you.

25 With that, I suppose we turn now to the first

1 panel, who are those that represent their community.  
2 I'm not going to ask them to stand. It's a little  
3 tight. I'm a little large. At one time it was all  
4 right when I was playing ball, but now I wish it wasn't  
5 so. So I don't want you all to have to get up and try  
6 to come around me. Is that all right?

7 MR. CARTER: Fine.

8 MR. PITTS: I was looking for Bernard  
9 Hopkins, he's not here. Are you filling in, Steve, for  
10 Bernard? Okay. Come on around, take a seat. Steve  
11 Starks, owner and editor of Beacon Digest, West  
12 Virginia's only black newspaper. Walter Leach has just  
13 entered the building. Reverend Leach, if you would  
14 please come to the front. Then our first panel is  
15 complete, Marsha.

16 Each panelist will be given twelve minutes to  
17 make a presentation. At the end of all of the  
18 presentations, there will be a short question and answer  
19 period. Steve, it looks as though you're up first.

20 MR. STARKS: Good morning. Today I'm  
21 representing the West Virginia branch of the NAACP and  
22 Jim Tolbert. I'm here today to read a statement by him  
23 addressing the situation, and I also have a list of  
24 recommendations for the panel from some of my previous  
25 experiences in dealing with police-community relations.

1 I will begin by reading the statement from Jim Tolbert,  
2 the State President of the NAACP.

3 "Members of the West Virginia Advisory  
4 Commission, the US Civil Rights Commission, ladies and  
5 gentlemen: Over the last several years, the majority of  
6 community police relations have not improved. In fact,  
7 they have deteriorated to the extent that there's  
8 widespread mistrust of questionable police activities  
9 such as random arrests, local community and state police  
10 official's commitment to recruiting, testing, selection  
11 and promotion practices. There's even widespread  
12 selective enforcement of violations in the minority  
13 community. In many moderate to large communities in the  
14 state, there's a total absence of African American  
15 officers. Police recruiters tend to think that the  
16 placement of equal opportunity employer on recruiting  
17 literature satisfies EOE requirements and will placate  
18 minority groups concerned. We are all aware that there  
19 have been high interest in law enforcement careers among  
20 the African Americans. However, the fact remains that  
21 after passing the required examination and meeting all  
22 the requirements, the majority applicants are usually  
23 selected.

24 "I'm aware of any-- I'm unaware of any  
25 efforts of West Virginia law enforcement associations,

1 organizations or elected officials giving any attention  
2 to the need for a racially diverse police force, or  
3 multi-cultural training activities or for police  
4 initiating community relations efforts.

5 "Currently, this organization has filed a  
6 lawsuit in Federal court against the State Police  
7 Superintendent because of discriminatory hiring and  
8 promotional practices. We believe that a concerted  
9 effort must be made to improve relations between the  
10 minority community and law enforcement officials and  
11 there has to be strong leadership exerted by City  
12 government, County government and State government. At  
13 this point, there is no leadership.

14 "Failure to take heed of the problems  
15 expressed today will continue to insure distrust. Thank  
16 you."

17 MR. PITTS: Steve, We thank you for the  
18 statements coming from Mr. Tolbert. You're editor in  
19 chief of Beacon Digest. I'm sure that in your  
20 experience, you may have something to add, and if you  
21 do, you have several minutes in which to do that.

22 MR. STARKS: Thank you. If you want to  
23 pass these among the commissioners.

24 MR. PITTS: Yes, sir. We'll take this  
25 as Exhibit 1, as well as this list of recommendations.

1 MR. STARKS: Also, in dealing with  
2 police concerns, police-minority community concerns  
3 throughout the state, particularly Charleston, in which  
4 great strides have been made in police hiring and  
5 promotional practices, as well as a new black police  
6 chief, which is present today, I have put together a  
7 list of recommendations based on some of those  
8 experiences.

9 Number one, a visible mandate from our  
10 government promoting racial equity for African Americans  
11 on all levels, from state police to all municipalities,  
12 focusing on minority hiring, retention and promotion.  
13 Local leadership, mayors, must understand the needs to  
14 address these problems, take a stand supporting racial  
15 harmony between police and members of the African  
16 American community and prosecute to the fullest any  
17 police violations supported by evidence.

18 Create a body, task force, of civilians to  
19 investigate all allegations of racial wrongdoings by  
20 police officers as well as a monitoring system complete  
21 with files of past offenders.

22 Recognizing the deficiencies of systems  
23 presently used by the local police commission.

24 Recognizing the need for understanding the problems that  
25 have deterred potential African American applicants in

1 the past.

2 Better communications between representatives  
3 of the Governor, this commission and black leadership  
4 around the state. Understanding the needs for  
5 sensitivity in all police departments across the state  
6 in dealing with African Americans and other minorities.

7 The need for creative marketing to target  
8 potential applicants in the various African American  
9 community. Formulate a creative strategy to assure that  
10 African Americans feel included in recruiting efforts by  
11 using African Americans as recruiters, interviewers and  
12 other strategic positions.

13 Utilizing strategies that would erase  
14 reputation of local hiring practices to promote and  
15 assure African Americans feel comfortable that they are  
16 wanted and will receive a fair chance.

17 Now, these recommendations are based on  
18 experiences in local police departments in attracting  
19 minority applicants. In Charleston, we have worked and  
20 have achieved much of that on the police force as well  
21 as the fire departments. We have created, unfortunately  
22 through a lawsuit enacted by the black police officers  
23 in the Charleston area, a consent decree that mandated  
24 these conditions of being addressed and met.

25 Hopefully, today, we will understand the



1 importance of this and head off any types of lawsuits or  
2 legal actions in order to initiate a strong and sincere  
3 police and fire department initiative for minority  
4 hiring. We feel that together, with understanding,  
5 cooperation, and sensitivity for the African American  
6 community that together, we can all work and achieve our  
7 goals.

8 Thank you very much.

9 MR. PITTS: Thank you, Steve. Greg, if  
10 you would hand these two exhibits to our court reporter  
11 so she may attach them on the record of these  
12 proceedings, Exhibit No. 1, the Tolbert letter, and Mr.  
13 Starks' recommendations.

14 MR. PITTS: The next speaker is a friend  
15 of mine and man of the gospel, Reverend Walter Leach,  
16 President of the Raleigh County NAACP. Mr. Leach?

17 MR. LEACH: First let me say good  
18 morning to all of you. Indeed it is an honor to be here  
19 this morning.

20 On behalf of the chairman of the US  
21 Commission on Civil Rights and the West Virginia  
22 Advisory Board, I feel that this is an honor to speak  
23 with you this morning. However, it won't take me long  
24 to say what I have to say, so I'm going to take up six  
25 minutes of your time and delegate six minutes of my time

1 to another outstanding citizen of the City of Beckley,  
2 the Reverend Robert Brown.

3 First of all, we had a list of concerns that  
4 we were to address. And number one was status and  
5 procedure of police internal review boards and civilian  
6 review boards. First of all, I feel that these boards  
7 are made up of some lawyers who normally represent  
8 someone. Now, if the problem is in the community, then  
9 I think we need to get someone from the community who's  
10 non-partisan to sit on these boards so that whenever  
11 these types of things come before the board, then you  
12 can't say that the sheriff or this one is intact with  
13 whoever. Because normally the situation, what we have  
14 in Beckley, West Virginia, is that there was several on  
15 the board and all you need is two votes to out sway one  
16 or the other. What we feel by participating on this  
17 type of board is we see that it is not done fairly. So  
18 what you need to do is to get someone who's a part of  
19 the problem, who comes from that problem, and put them  
20 on the board, who has nothing but common sense.

21 Secondly, the complaints and misconduct that  
22 we have, if these are not handled as they come forward,  
23 then they will always be a problem. Some are swept up  
24 under the door, and you can't allow this type of thing  
25 to go on. If they come before us, we must deal with it.

1 If it's misconduct, we must deal with it. For  
2 certainly, we don't want this type of relationship  
3 between law enforcement officers and community.

4 Thirdly, it was improving hiring, promotions  
5 and minority women in law enforcement. Recruitment is  
6 fine if you want to recruit people fairly. You listened  
7 to the brother when he talked about consent decree.  
8 What he's speaking of a consent decree that on one side,  
9 you have the African Americans. On the other side, you  
10 have the white. Normally, what they say is from this  
11 side the scores are higher, up to 90, and we cut them  
12 off down here at 85 just saying for a figure. On the  
13 other side, you are saying that these scores are  
14 basically in the neighborhood of 80, and they're cut off  
15 at 70.

16 Well, if in our hiring procedure, if we would  
17 take from this side so many numbers, and from this side  
18 so many numbers, and hire from both sides, then we would  
19 be equal on the task force. It has proven to be  
20 effective in the Charleston area. It is not effective  
21 in the Beckley area, because as you will see later on as  
22 this forum progresses, those numbers are not evenly  
23 matched in the City of Beckley, West Virginia.

24 I think that on our Beckley police, we have  
25 somewhere in the neighborhood of I think four, if I'm

1 correct. On the sheriff's department, there is two or  
2 three. So, you see, it's not working fairly. And if  
3 this is allowed to go on, then we will always have a  
4 problem when we come down to the last thing.

5 Training, well, it's good to have training.  
6 But if minorities are not allowed to be recruited, they  
7 are not allowed to be able to go to this training  
8 institution, how are they going to benefit.

9 Last, if you want to have community  
10 assistance and you want to have effective law  
11 enforcement in the community, then both of these must  
12 work together. Then the law enforcement that are coming  
13 into - let's just take it from this standpoint, and I  
14 will close - that are coming into the black area, when  
15 you see seven, eight, nine, ten car loads of white law  
16 enforcement officers coming into a neighborhood of  
17 predominantly blacks, they're coming in there for one  
18 purpose. They're coming to arrest somebody, they're  
19 coming to take somebody out of the community, instead of  
20 coming into the community and establishing a right  
21 relationship. If there was a problem with several other  
22 things like dope, then how come we can't have seminars  
23 to make it more receptive when it comes in.

24 Secondly, it would be much better if there  
25 was one white and one black going into that black

1 community. The blacks would be able to accept it more  
2 better, and they would see that there's a right  
3 relationship going on, and this must be continued. But  
4 if it's allowed to continue like it has continued in the  
5 City of Beckley, then we will never be able to progress.

6 I hope that much is done out of this meeting.  
7 I understand that we have had several of these before.  
8 And if we're ever to do much, then we must first gather  
9 this information. And once this information has been  
10 gathered, then we must apply it and use it in the  
11 affected areas where we will benefit from. Dr. Brown?

12 MR. PITTS: Please, Bob, I will get to  
13 you. You used nine minutes. Let me do this: if you  
14 don't mind, let me come back to you after the other  
15 panelists are finished. Whatever time is left, I will  
16 then let you have it, maybe with a few more minutes.  
17 Can I do that, Walter?

18 MR. LEACH: That would be fine.

19 MR. PITTS: Thank you. Our next speaker  
20 is Arley Johnson, Councilman for the City of Huntington.

21 MR. JOHNSON: Good morning. I guess I  
22 am going to go on a few things here, several topics here  
23 that I am going to look at very briefly.

24 The first of these is alleged police  
25 misconduct or excessive use of force, and we definitely

1 have had our share of that in Huntington over a period  
2 of time, depending on how much history-- we can go back  
3 as far as the early 20s and even up to the 1950s.

4 And one in particular, I think, would be in  
5 1956, when a policeman in the city beat a young man to  
6 death by the name of Eads, and some of those police--  
7 some of those people are still yet around. Of course,  
8 the FBI investigated it and that was before all of the  
9 changes-- that is before the Civil Rights movement.

10 I'm also reminded of 1959 in the County jail  
11 here, where I think a young man by the name of Johnson,  
12 who happened to be my uncle, who supposedly hung himself  
13 in the jail. My grandfather related a different story  
14 as to what happened to Lee Johnson. And there has been  
15 other incidents like that in Huntington for a long time.  
16 For a very long time.

17 And the thing about places like West  
18 Virginia, cities like Huntington, you know, we look at  
19 the Civil Rights movement, we look at some of the  
20 changes, but you've got to remember that there are  
21 pockets of resistance all over this country that the  
22 movement has no impact on, had no effect on, and  
23 Huntington was definitely one of those cities. There  
24 were no changes in Huntington. Martin Luther King had  
25 no impact on this city, only in terms of federal

1 legislation in terms of hiring practices, and those  
2 things.

3 But in terms of local changes in the  
4 government and law and police and everything, that stuff  
5 has never changed. And we have yet to see it in  
6 Huntington.

7 I guess in terms of police incidents, I'm  
8 thinking of a few years back when there was a young man  
9 who came to me and he had been arrested by the police.  
10 And evidently he admitted that he gave some resistance,  
11 but sometime between the time he was arrested and he  
12 went to the County jail, he had a broken ankle and a  
13 broken wrist and a face that was completely dismantled,  
14 temporarily. And I know there are several instances of  
15 those that we've had in Huntington, and I'll come back  
16 to that in just a minute.

17 We had, in the city a couple of years ago, we  
18 had a police officer, an off-duty police officer, riding  
19 around with a bar owner, a convicted felon, also riding  
20 around with an assistant prosecutor and also riding  
21 around with one of-- an attorney from the city. They  
22 had been to a few bars, and they had got to feeling  
23 pretty good and they wanted to have a good time. So,  
24 they decided to come into our community, right around  
25 where there were several blacks that were sitting,

1 talking and congregating, and they fired-- and the  
2 police officer fired a round or two over top of their  
3 heads, just to scare them out, just to have a good time.

4 Now, you see, there's several problems with  
5 that. First of all, you have an assistant prosecutor,  
6 you have an attorney, you have a police officer. Then  
7 you have a convicted felon bar owner, and they're all  
8 riding around, having a good time. The worst problem in  
9 Huntington is not just the Huntington Police Department,  
10 but I think the whole judicial system is completely  
11 unfair.

12 You know, in the instance I mentioned before  
13 about the young man that had the broken ankle and also  
14 the broken leg, we couldn't find an attorney in this  
15 city that would even take the case. We could not find  
16 an attorney, a credible attorney, that would even defend  
17 this individual. And when things do get to the circuit  
18 court level-- I mean, if I were to-- if I were to have a  
19 miscarriage of justice by the Huntington Police  
20 Department - I'm a Huntington City Councilman - I would  
21 not want that case going before this county court. I  
22 would not feel comfortable. I would not feel safe. I  
23 would not feel that justice would be done. I would not  
24 want to go to the state court. Unless I could get a  
25 federal hearing in a federal court, I would not want to



1 take it at all, because I know exactly where it would be  
2 going. It would be going nowhere.

3 There are many of our elected officials at  
4 the county and also the local level who are ex-police  
5 officers. They're ex-members of the FOP. That is a  
6 stepping stone. They're ex-police chiefs. They're  
7 ex-police captains. And that's a natural progression in  
8 this city, as I'm quite sure as in others, and these are  
9 the people that you have in your county courts now.  
10 These are the people that you're going before. And that  
11 particular-- and the FOP is fine. I believe in unions,  
12 my father is a member of the UMW. But these particular  
13 unions-- and when I say the Huntington Police  
14 Department, it's hard-- I hate to paint them with a  
15 broad brush stroke, because every officer in that police  
16 department is not a racist. Every officer is not out  
17 beating heads. But those that are taint the remaining  
18 few, and the remaining-- maybe remaining majority, to be  
19 honest with you, and there's never anything within their  
20 own ranks done to alleviate the process.

21 The second thing was-- you know, one of the  
22 things was credibility of police internal review. And  
23 in this city, there's really been no police internal  
24 review, anything credible. I mean, some of the police  
25 officers-- one particular police officer some years back

1 was out drunk, driving around in a police cruiser,  
2 wrecked the cruiser, and he was soon promoted. I guess  
3 in Huntington the best way to get promoted in the police  
4 department is to go against the law or to go against  
5 individuals in the city, and those are the type of  
6 individuals that seem to rise to the leadership  
7 positions. Those are the type of individuals that rise  
8 to the position of FOP. They rise to be the captains  
9 and other things they have-- you know, and it becomes a  
10 good-old-boy club, and they take care of one another.

11 I'm also reminded of another incident where  
12 there was a prominent attorney that did take a case  
13 involving alleged police mistreatment and he woke up one  
14 morning to go to his car and he found out that he and  
15 his car were sprayed with bullets. You know, we know  
16 that these were police officers. Of course, there was  
17 no way to prove it, but that's exactly who did the  
18 shooting.

19 There are other things like that-- I guess  
20 the manner in which police interrogate witnesses that  
21 are suspects of the minority race is terrible. I mean,  
22 there are things that go on-- there's always been  
23 beatings. There's not as much now. I think with the  
24 new chief, some things that were going on-- there's not  
25 as much of that going on. But in the past-- I mean,

1 when you're on the block, and I come from the block,  
2 Sixteenth Street, I mean, we knew-- you knew when you  
3 were going downtown, you were going to get beat. I  
4 mean, there wasn't any ifs, ands or buts about it.  
5 Somebody was going to knock your head before you got  
6 downtown. You would have no way of proving it, and  
7 that's just-- unless Austin or one of the other officers  
8 were around.

9 And also, there's never been any more than  
10 two blacks on the Huntington Police Department at any  
11 given time. There's never been any more-- there was  
12 three at one time? Well, I'm glad to hear that, because  
13 usually there was only two. And I don't know if that  
14 was by design, but it certainly worked out well.

15 As far as the lack of knowledge in the  
16 community regarding the police procedures and available  
17 relief, you know, historically, this kind of rapport  
18 with the police department in a city the size of  
19 Huntington, you know, there is no credibility between  
20 the community and the police department. There is no  
21 knowledge, you know, that was always taboo. That was  
22 always off record. And I have been here for 20 years,  
23 and never knew anything about the internal works of the  
24 police department, and was glad not to, because if you  
25 did, that meant you were either a narc or an informant

1 or something else, and that was going to get you hurt on  
2 the other side, you know. So it was best not to know.  
3 And everyone knew who the informants were when I was on  
4 the street. We knew who the narcs were as well. It's a  
5 small town. You can't keep stuff like that hid.

6 Community perception of the police, is a  
7 source of fear. Again, in all honesty, I would like to  
8 say that the new police chief - and I seem to like Mr.  
9 Wade - I'll be honest with you, I think he's doing a  
10 fine job in a lot of areas. Some of those attitudes and  
11 things will change. But it's hard to change those, you  
12 know, when you have this historical background. It's  
13 hard to change those things overnight in a year or two  
14 or three. It's one person. And those perceptions are  
15 still very negative. It's still very negative.

16 I used to have the perception, and I think it  
17 was a legitimate perception, that the police department  
18 in Huntington didn't particularly care what kind of  
19 crime was going on in the Fairfield West or the black  
20 community. As long as it didn't spill out into the  
21 community, it was all right. You know, as long as you  
22 were shooting and knifing one another, they would come  
23 and pick up the pieces and clean the street, but that  
24 was okay. But the problem always becomes more of a  
25 problem when one of the brothers would venture over

1 across the street and into the majority community and  
2 perpetrate crimes, then that became a serious matter.  
3 And also justice was swift in those instances. In the  
4 other instances, justice moved very slowly, and that's  
5 probably like everyone else, every other person in this  
6 room probably is shaking their head about their own  
7 community as far as that's concerned.

8 Now, as far as under-representation of  
9 minorities on the police force, it's like I said, it's  
10 just been dismal and I don't think there's ever been a  
11 push to do that. I think a lot of that is cultural in  
12 nature. I mean, I'm from Logan County, and I can  
13 remember some of the trouble blacks had in coming--  
14 becoming UMW members. I can remember how blacks had  
15 trouble in any union in the city or in the state. It's  
16 the same way in FOP and other things. There's unspoken  
17 things that happened and they didn't want those  
18 individuals in those positions. You know, if you were--  
19 somehow if you were intelligent, somehow if you were  
20 good, if you were already deemed to be uppity and able  
21 to deal with them - I guess I'm probably that as well -  
22 but right is right and wrong is wrong and there's been a  
23 whole lot of wrong done in Huntington for a long time,  
24 that's gone unpunished, that's gone undealt with. And  
25 after a period of time, there is a hate relationship

1 that builds up between the community and any police  
2 officer, especially among the young black men. There's  
3 no reason why they have so much trouble with the police  
4 department, because I can remember my feelings when I  
5 was young and in high school and in the early years of  
6 college, and a real difficult situation. And unless  
7 you're extremely intelligent, unless you find some other  
8 avenues to vent your frustrations, you were headed for  
9 trouble and many are now.

10 Now, you couple that with the drug situation  
11 that's going on in our community, and I mean that's just  
12 a recipe for danger. That's just a recipe for  
13 destruction. And at some point in time, like in other  
14 cities, I expect those guns to be turned on the police  
15 officers that are in that community. I look for it any  
16 day. I look for a police officer to be shot by a drug  
17 dealer any day, any time, because that's-- it's just  
18 being allowed to fester over a period of years, you  
19 know, and the man is the enemy. And when that happens,  
20 I'm quite sure that-- I'm a preacher. You know I can't  
21 stop.

22 MR. PITTS: I know.

23 MR. JOHNSON: But that's just some of my  
24 observations, and I thank you very much.

25 MR. PITTS: Let me do a little bit of

1 house cleaning. Reverend Leach, if you have any  
2 additional information that you wish to become a part of  
3 the report, you may submit it in writing and we'll  
4 append it. I made that statement earlier, and you were  
5 not here. Arley, if you have anything else that you  
6 wish to become a part of the report, you may submit that  
7 in writing and it will also be appended.

8 MR. JOHNSON: Thank you, sir.

9 MR. PITTS: Our next panelist is Larry  
10 D. Patterson. I'm following the program, not  
11 necessarily the seating arrangement, so Saribel, if  
12 you'll forgive me.

13 MR. PATTERSON: I'm a preacher, too, but  
14 I guarantee I won't be as longwinded as Arley.

15 Please allow me, just for a moment, to talk  
16 about the Fairfield community. I'm not actually from  
17 the Fairfield community. I just moved here almost--  
18 well, a little over-- almost three years now. But let  
19 me just give a perception that I have. The Fairfield  
20 community does have a history. A history of, I think,  
21 lack of police communications, as well as a lack of  
22 community relations with the police. And with that  
23 history, if we can find that the community itself has  
24 suffered, we look at the community, we find it has  
25 become not thriving with stores and things that will

1 help the community or keep the community alive, but we  
2 do have doctor's offices that's taken over the  
3 community. And so, therefore, doctor's offices that our  
4 folks can't afford to go to.

5 But the lack of community and police  
6 communication, I think, is a very pointed thing that  
7 needs to be taken care of, mainly because when I first  
8 came here, I called the police. And I called them  
9 again. And I called them again. And I called them  
10 again. Pretty soon, I got in my car and went down there  
11 and asked them what their problem was. But the thing is  
12 is that my-- I understand that all of this is past, but  
13 let's look-- I just want to take just a moment to deal  
14 with a little bit of the past and also deal with what  
15 the future looks like. So, I don't want to be dealing  
16 with too much of the past, but we do have to talk about  
17 it. And we do have to know about it.

18 There was a training workshop of the police  
19 department that I was involved in that I think brought  
20 some things to light, that really told me a lot about  
21 the community and the problems that was being had in the  
22 community, as well as the police department. And one of  
23 the things that we dealt with was something that Arley  
24 had talked about when we deal with respect, trust and  
25 visibility. There was no respect for the police



1 department and also there was no respect for the police  
2 department to the community. That was talked about very  
3 extensively in that workshop and some of the things I  
4 had noted, mainly because I heard some of the-- some of  
5 the police persons that were there make a comment, well,  
6 they called me a name first. That's the reason I lost  
7 my temper. But where is the professionalism in that?  
8 You know, so that kind of bothered me. And then how can  
9 there be trust, if that's going to happen, when you know  
10 that you're going to get your head beat, if you will.

11 The other thing was visibility. There was--  
12 the only time you ever saw a police cruiser is when  
13 things had already cooled down because you had already  
14 called them about 20 times to come. And as of now, you  
15 know, we do have a police precinct there. I'm not going  
16 to say that that actually has-- that has, indeed,  
17 improved some visibility. But when you see a police  
18 department that is dwindling down to, I think, 85 now,  
19 the visibility cannot be but so much. So in  
20 understanding that, we also must understand that in our  
21 community, we're still having the lack of response, I  
22 think, mainly because there's not enough police  
23 officers. And when you begin to deal with that, when  
24 you begin to look at that, we need to do something about  
25 that.

1           Now, I know some things that are going on in  
2 some meetings that we've had with the mayor and the  
3 chief, and that has been through some improvement of the  
4 police commission, and dealing with the police  
5 commission. The police commission, I feel, has been a  
6 problem. A problem that has kept some hiring policies  
7 down and also of how the test was administered and so  
8 forth. That gets into a whole other realm, so  
9 therefore, I won't get into that.

10           But I think that overall, when you begin to  
11 deal with the visibility, when you begin to deal with  
12 the trust, when you begin to deal with the respect,  
13 respect is going to have to start at home with those 85  
14 that we have. And that's going to build the trust. The  
15 visibility is going to have to happen I think as much as  
16 we can in working with the community itself. I think  
17 though that, as you look at it from both sides, that it  
18 is going to have to be a both sides issue, where all of  
19 us are going to have to come together. I'm not into the  
20 defense of the police department as such because I know  
21 that more can be done, but I'm so glad to see that more  
22 has been done. That was well within my time limit.

23           MR. PITTS: Yeah, thank you, Larry. If  
24 you have any additional information that you wish to  
25 file a report and submit it in writing, it will be

1 appended.

2 Our next panelist is-- Saribel-- am I  
3 pronouncing that right?

4 MS. REYNOLDS: No, you're not. Saribel.

5 MR. PITTS: Saribel. I hope you will  
6 forgive me.

7 MS. REYNOLDS: Take the "O" out and put  
8 the "I" in, please.

9 MR. PITTS: I will do that. Saribel  
10 Reynolds.

11 MS. REYNOLDS: Good morning. My name is  
12 Saribel Reynolds, and I'm President and Resident Council  
13 of the Washington Square Housing Authority. I would  
14 like to pick out one and get that out of the way. I did  
15 want to talk about the precinct. I live next door to  
16 it, the new Fairfield precinct.

17 A typical incident of alleged police  
18 misconduct and excessive use of force, I want to briefly  
19 talk about this because I think it's very important  
20 because it happened to me. I live right next door to  
21 the precinct. And on April the 20th, that was on  
22 Saturday morning at 10:30, I came out of my home, which  
23 is next door to the precinct, and turned to my left-- to  
24 my right and went up to speak to a relative, which is on  
25 Eighth Avenue. The address is 1627 and a half. I was

1 at this relative's house of mine for about eight to ten  
2 minutes. I came out of his home and came back down the  
3 street towards my home which, again, I say is next door  
4 to the precinct.

5 As I was turning up into my walkway, going  
6 toward my apartment, an officer came to the door, a  
7 large, tall officer, and said to me, could you come here  
8 a minute. I said, sure, how may I help you. I walked  
9 up on the porch, he said, come in. I repeated myself  
10 again, how may I help you. He said, sit down.

11 At that point, I became very annoyed and  
12 angry but I did not let it show. I said again, what's  
13 the problem, officer. He got on his radio and he  
14 started to talk with someone. At the time, I didn't  
15 know where or what. And he began to get up and down, as  
16 he was trying to find out something. And I took it from  
17 his end of the conversation that he was trying to find  
18 someone somewhere else, and I apparently was a suspect.

19 To make a long story short, this officer did  
20 not know where he was. When he got off of the radio, he  
21 looked at me and he said, very humiliated, I'm not in  
22 Northcott Court, am I? I said, no, sorry about that,  
23 you're in Washington Square.

24 He never apologized to me. He never said  
25 Mrs. Reynolds, I made a mistake. And in the meantime,

1 I'm trying to tell him I live next door. I'm Resident  
2 Council for Washington Square. I live next door to the  
3 precinct.

4 So, I came on out of the precinct and I came  
5 home. I was never afraid because I hadn't done anything  
6 wrong. I was more or less angry and I still am angry.  
7 Because until this day, nobody has apologized to me.  
8 The next week, I went over to the precinct, the  
9 Fairfield West precinct, and I said to Mrs. Floyd, she's  
10 recording secretary there, would you give Sergeant  
11 Sprouse a message for me? Would you tell him that I  
12 want the name and the badge number of the officer that  
13 detained me here on April the 20th, and just drop it in  
14 the mail slot because I have to go to a meeting. I came  
15 back and I didn't hear anything. There was no message  
16 there.

17 The next day I went back to the precinct, and  
18 I said, Mrs. Floyd, what did Sergeant Sprouse say when I  
19 requested the name and badge number of the officer. She  
20 said he said, please tell her she can't have it.

21 Well, I immediately was stunned. And then  
22 she said he said, why does she want it? I felt that  
23 what for ever reason I wanted that name and badge number  
24 was my business. For whatever reason I wanted it for, I  
25 felt I was entitled to it. And I would like for any

1 officer here to answer me if I'm wrong, if I was  
2 entitled to the badge number and the name of the  
3 officer.

4 MR. WADE: You're certainly entitled to  
5 it, without any question.

6 MS. REYNOLDS: Well, I thought so, Chief  
7 Wade. But I don't understand Sergeant Sprouse's  
8 attitude about it, because it's certainly arrogant of  
9 him to flatly refuse me that information.

10 MR. WADE: We're getting ready to  
11 understand it.

12 MS. REYNOLDS: You're getting ready to  
13 understand why he did it?

14 MR. WADE: I'll understand it by the end  
15 of the day.

16 MS. REYNOLDS: Was this ever reported to  
17 you?

18 MR. WADE: That's the first time I've  
19 heard it.

20 MS. REYNOLDS: That's what I thought.  
21 You have answered my question. Thank you, Chief.

22 These are the kind of things that are going  
23 to happen more often in the Fairfield West community.  
24 And you might as well look for it, if the officers  
25 working out of that precinct do not get out there and

1 meet the people. Because I can guarantee you standing  
2 right here, this is next door to a precinct, most of  
3 those officers coming and going don't know me from my  
4 next door neighbor on down through that area. They  
5 don't know anybody over there.

6 And I will tell you something else: manners  
7 doesn't cost anything. I can say this: I've see them  
8 all come and go because I'm an early morning person. I  
9 see them coming in the morning. And of the three  
10 officers that are all of these officers that I have seen  
11 coming and going were to say good morning, that doesn't  
12 cost a dime. Just good morning. Pleasant. Most of  
13 them-- respect. Most of them look right through you  
14 like you're knot even there. Do you know what black  
15 people hate worse than ignorance, is indifference.  
16 Indifference. I hate it. Because when you look at me  
17 and you can't say good morning to me, that means I'm not  
18 there.

19 And in order for this police precinct to  
20 work-- it's not working, Chief Wade, it's not working.  
21 And in order for it to work, there's going to have to be  
22 a lot of changes made. I'm serious. Because I live  
23 there, and I know. I live next door to your precinct.  
24 We can't call it our precinct. We don't feel like it's  
25 ours. We don't feel like it was put there-- why was it

1 put there? To benefit the black community or just to  
2 pacify us? Just to shut us up? Leave us alone or go  
3 away, just leave us alone. We don't need that. We need  
4 a precinct that's going to work for us.

5 We don't want officers to come on duty and  
6 come over and have tea and coffee with us. That's not  
7 what we want. In order to get respect, you have to earn  
8 it. And as I said before, there's no interaction from  
9 this police precinct with the community. Now, if the  
10 officers are not going to get out, it's not going to  
11 take that much time. You need more officers. One  
12 officer to a precinct is not going to do it. They never  
13 even come out on the porch. They don't know who I am.  
14 They don't know who anybody is over there, because they  
15 never come out.

16 Also, I would like to stress one very  
17 important fact. We live there. We live in the  
18 nightmare of 1618 Eighth Avenue, and, Chief, you know  
19 where that is. We live through that nightmare and up  
20 until two weeks ago, this place was going strong. I  
21 mean, still keeping us up at night. But let me say  
22 this, as I said before: it's not enough to put your  
23 precinct anywhere. It's not just enough to show up.  
24 Things have to change.

25 Now, since the precinct has been there, I



1 have had to-- if it wasn't so ridiculous, it would be  
2 funny. I have had to go downstairs and ask them what  
3 are you going to do about this riot out here across the  
4 street. And they're right there in the precinct with  
5 the blinds closed, wasn't nothing. And I said, well,  
6 you may not can't see, but you certainly can hear. And  
7 finally a couple of units come up and they said we're  
8 going to do something about it. This is all from 1618  
9 Eighth Avenue. So, I'm saying if you're going to put a  
10 precinct there, it's not enough for it to be there.  
11 There's got to be something done. We have had the  
12 nightmare for years. I would like to say something  
13 about a proposal that Austin Hairston-- is my time up?

14 MR. PITTS: Yes.

15 MS. REYNOLDS: Oh, sorry. I didn't  
16 realize I was talking that much.

17 MR. PITTS: That's quite all right. My  
18 regret is that the record will not be able to adequately  
19 reflect your emotion and your feelings concerning the  
20 treatment which no fair-minded American should be able  
21 to tolerate. I will ask you, Ms. Reynolds, if you have  
22 anything in writing or if you would like to develop  
23 anything, submit that to us and we will make that part  
24 of the record. Thank you.

25 Our last speaker on this panel is Phil

1 Carter, the President of the Huntington NAACP branch.

2 MR. CARTER: Thank you very much, Mr.  
3 Pitts. And I would like to say thank you for the  
4 opportunity to speak before you, the United States  
5 Advisory Commission on Civil Rights, and to the  
6 Commission itself, represented by Dr. Chun and to you  
7 that are here this morning.

8 It's very important that we engage in this  
9 activity. And I am going to go pretty fast. I'm only  
10 going to give you a few proposals. There are four  
11 components to the NAACP presentation. Approximately 50  
12 pages of documents from various newspapers and NAACP  
13 communication has already been distributed. There's 100  
14 or more pages to that document, and I was just handed  
15 something this morning from Mr. Nelson, Barnett Nelson.  
16 Nelson is a local historian.

17 I asked Nelson to document the history of  
18 police relationships in Fairfield around the issue of  
19 bars, lounges and nightclubs. So he went back to the  
20 turn of the century and has provided me with 50 articles  
21 from 1902 to 1905. And what we're trying to do is to  
22 establish this is not something new. This has been  
23 going on. And I do appreciate you providing us with  
24 this document. It will be incorporated into the report  
25 that will be submitted to Dr. Chun.

1           Since 1989, the Huntington Cabell County  
2 branch of the NAACP has identified and expelled white  
3 supremacy or racist practices in the Tri-state region.  
4 The white supremacy mind set is documented. It's denied  
5 by media, academicians, religious leaders, the criminal  
6 justice system, business leadership, public agencies and  
7 public elected officials with the lone exception of the  
8 Mayor of Huntington, Robert Nelson, on the white side.  
9 Now, when Councilman Johnson came in, Councilman Johnson  
10 documented and expounded and has explained white  
11 supremacy and racism since he has been on that council.  
12 But we have observed no other Afro-American public  
13 elected official has made a statement about racism. The  
14 NAACP has selected case studies to illustrate the  
15 dominance of the white supremacy mind set in the  
16 Huntington area.

17           The dangers and irrational attacks upon  
18 victims opposed to white supremacy is also submitted in  
19 the hope that the United States Civil Rights Commission  
20 will address the first step to progress in this area,  
21 and that's acknowledging that the system of white  
22 supremacy exists and flourishes.

23           Dr. Francis Press Welsley, a black behavioral  
24 scientist and psychiatrist offers a definition of white  
25 supremacy in her new book, The Isis Papers, published by

1 Third World Press, 1991. And I'm trying to set the  
2 context for those who have spoken before me and those  
3 who will speak afterwards. We're dealing with white  
4 supremacy, and a mind set. Listen to this definition:  
5 "The local and global power systems, structured and  
6 maintained by persons who classify themselves as white,  
7 when consciously or subconsciously determined this  
8 system consists of patterns of perceptions, logic,  
9 symbol, formation, thought, speech, actions and  
10 emotional responses, as conducted simultaneously in all  
11 areas of people activity. These areas are economics,  
12 education, entertainment, labor, law, politics,  
13 religions, sex and war.

14 "The ultimate purpose of this system is to  
15 prevent white genetic annihilation on earth. A planet  
16 in which the overwhelming majority of people are  
17 classified as non-white; black, brown, red and yellow,  
18 by white-skinned people. All of the non-white people  
19 are genetically dominant. All non-white people are  
20 genetically dominant in terms of skin coloration,  
21 compared to the genetically recessive white-skinned  
22 people."

23 Therein lies the problem. Until we fully  
24 grasp that concept, so when we see people acting out,  
25 think in terms of what the world really looks like and

1 we are not immune to seeing that world and bizarre  
2 behavior manifesting itself at our local levels. And  
3 it's getting worse.

4 Many of the subsystems listed by Dr. Welsley  
5 and her definition of white supremacy will be submitted  
6 for your examination. The first section of this report  
7 will allow you to examine the pervasiveness of the  
8 supremacy mind set. And what Dr. Chester Pierce defines  
9 as the micro- and macro-aggression offenses against  
10 people of color. Constantly bombarded; constantly  
11 bombarded by micro- and macro-aggression.

12 Macro-aggressions are lynchings and shootings and  
13 beatings. Micro-aggressions are what happened to Ms.  
14 Reynolds. Constantly. And there isn't any one person  
15 of color in here that has not been subjected to that.  
16 That's the first section. Now, we do this in a  
17 historical context and that's where this document comes  
18 in, to show that it's not something new.

19 The second section deals with the NAACP  
20 initiatives submitted to the system and its responses.

21 The third will contain a report card on the  
22 system's responsiveness to all of the NAACP and  
23 community initiatives, and we will grade you failing or  
24 whether you have done well.

25 The last section consists of new NAACP

1 initiatives.

2 So what I'm going to do very quickly is to  
3 talk a little bit about a proposal. And this proposal  
4 deals with the treatment of human beings in the police  
5 bureaucracy, and also it will address the issue that Ms.  
6 Reynolds has brought up, regarding the police precinct.  
7 Let me just quote something from Dave Peyton very  
8 quickly about challenge: "The NAACP Challenges Today."  
9 He wrote an article in the Herald Dispatch. He states:  
10 "The next time Carter comes up with an idea, I fervently  
11 hope that it is challenging, but with a little less  
12 potential about it. At the same time, here's hoping  
13 that Carter and all of the blacks in the community and  
14 state continue to challenge us" - now, Dave Peyton is  
15 white - "to keep us on our toes. And never let us  
16 forget that the real tragedy it seems is overlooking the  
17 fact that crime is crime and that protection from it  
18 must be extended to those areas where it is rampant, no  
19 matter what the color of the people who live there." Is  
20 that it?

21 MR. PITTS: I hope you will submit in  
22 writing--

23 MR. CARTER: It will be about 150 pages.

24 MR. PITTS: It will be appended and  
25 marked as an exhibit. I hope you will be able to

1 provide us with a copy of the Barnett document in order  
2 that we can mark it as a numbered exhibit. I have  
3 entered as an exhibit, No. 4, the Barnett exhibit.  
4 Thank you.

5 At this time, we will open the panel up to  
6 some questions and answers-- Dr. Brown. I'm sorry.  
7 Bob, we have several minutes.

8 MR. BROWN: Thank you, Mr. Pitts. The  
9 United States Advisory Committee on Civil Rights, I  
10 thank you for the privilege of coming and sharing these  
11 couple of moments. I would hope that I would have  
12 several hours to talk to you. It seems that every time  
13 that we talk with the commission that much is recorded  
14 and very little is done. I recorded that for the  
15 record.

16 As I stand today, I recognize the fact that  
17 what my president and several others have said that  
18 there are major problems in police community relations  
19 dealing with the respect and courtesy, visibility, and  
20 I'm glad that you got that in the record. There is one  
21 thing that I think we need to go back and look at  
22 fundamentally, that when we look at government, we  
23 understand that the record says that governments are of  
24 the people, and by the people, and for the people. And  
25 that is a misnomer which suggests that the government of

1 the people is only administrative, and that the police  
2 departments are administrative or aloof and they're not  
3 always protective. And somehow that the citizens and  
4 the people have to be involved in the process, for  
5 certainly, as has been suggested that it is not enough  
6 for us to have-- in Raleigh County, we have State  
7 police, Sheriff's department, City police, and sometimes  
8 they run over top of each other getting out of the way  
9 of each other.

10 But again, I think that it's extremely  
11 important for the people to be involved in the process.  
12 Currently, I'm on the Raleigh County Deputy Sheriff  
13 Civil Service Commission, and part of what we have tried  
14 to do in regards to our particular approach and rules  
15 and regulations, that we are an affirmative action  
16 program which has come from the State Human Rights  
17 Division which has been incorporated in our documents,  
18 it's coming under some attacks. I want to let you know  
19 that's where it came from, and if we have to sue to keep  
20 it there, it will happen.

21 But the people have to be responsible. And  
22 there needs to be a greater representation of black  
23 officers, black administrators within the police  
24 department, and the sheriff's department and the state  
25 police in order for there to be equal representation,



1 and the community might feel that they're a part of not  
2 only government, but the police department in general.

3 I certainly hope that with the impact that  
4 you have, the information that you're gathering - and I  
5 don't mean to indict you - but that you won't sit on it  
6 as has been done in the past. And I'm hoping-- and I  
7 recognize the fact that, and Huntington is no different  
8 from most of the cities in West Virginia. We've had our  
9 problems. But I'm hoping that we'll be able to get  
10 beyond our problems because we're able to sit down and  
11 to talk together.

12 When one department is aloof from the people,  
13 then problems occur. When one department sees itself  
14 totally as administrative without care and concern for  
15 even the personnel, then problems come. The buck stops  
16 at the top, but the people are the buck and the top.

17 MR. PITTS: Each time we have a panel  
18 such as this and information is dissipated throughout  
19 every federal agency, goes to the President and the  
20 Congress, anyone can have that information and use it.  
21 We are merely the gathering of information.

22 SPEAKER: When can we get it?

23 MR. PITTS: This report will probably be  
24 prepared and ready perhaps in about October. It has to  
25 go through the process, prepared and rewritten and

1 rewritten and approved and assimilated. We feel that  
2 we'll be able to put our approval on it some time in  
3 October of this year, and anyone can have that  
4 information. That's our method of hoping to effect  
5 change is by the gathering and assimilation of  
6 information. That is our task, that is our statutory  
7 limitation, and we are controlled and guided by that  
8 which gives us birth, which is the Federal Congress.

9 MR. CARTER: I would just like to make a  
10 special plea. This is my, what, third one? Morgantown,  
11 and I think Huntington a couple of years ago, and now  
12 Huntington again. I'd like to have copies of those  
13 previous two.

14 MR. PITTS: If you will give me that in  
15 writing, it is now a part of the record, and I'm sure  
16 that Ki-Taek will provide you with those records.

17 Now, we are open for questions and answers.

18 SPEAKER: I have a question. My  
19 question has to do with the individuals who really gave  
20 us something to think on, and we already knew about some  
21 of it. But my question is: why couldn't we get a copy  
22 of what they presented here today? This man right here  
23 on the end, I notice he has a copy he was reading from.  
24 We'd like to have that before you leave today.

25 MR. PITTS: A copy of their notes?

1           SPEAKER: We know we'll be waiting until  
2 hell freezes over to get those reports.

3           MR. LEACH: I only have some notes, but  
4 you're--

5           SPEAKER: We'll take those.

6           MR. PITTS: Those are their personal  
7 work products of those particular individuals, and if  
8 they would provide us with that, of course, we can--

9           SPEAKER: Never mind what they think,  
10 brother, we're asking you for it.

11          MR. PITTS: I do not have control over  
12 an-- if they wish to let us have copies of it, I'm sure  
13 that you'll have it, but I'm not going to require them  
14 to do that. Anyone else have a question?

15          SPEAKER: Mr. Pitts, I'd like to know--  
16 I've heard you make comments that there have been  
17 meetings such as this in the past, and that they have  
18 not seen any results of it. Approximately, how many  
19 times has the commission met in the State of West  
20 Virginia? We are not-- I know Phil said that it's been  
21 in Morgantown, and it's gone twice in Huntington. How  
22 many times has the commission-- I'm quite sure probably  
23 the committee was not the people sitting here now, but  
24 can the record show how many times the commission, this  
25 commission, regardless of the people that sit on the

1 committee, has come into the state to address issues in  
2 the area of civil rights or to address issues as it  
3 relates to the police departments?

4 MR. PITTS: This advisory committee has  
5 been around since 1959, and the advisory committee of  
6 West Virginia was initially originated permanently in  
7 1960. And they have met periodically from 1960 to the  
8 present. There was, of course, the Reagan years when  
9 some of us were removed from the advisory committee, and  
10 every-- especially in the '80s, it has been an on-off  
11 relationship. As many of you know, the funds of the US  
12 Commission on Civil Rights were almost depleted. So  
13 there are numerous reports, and this information has  
14 been available. And at each hearing that has been held  
15 by the West Virginia Advisory Committee, there has been  
16 a statement made that these publications are available.  
17 And if you give your name to the field rep from the  
18 Washington office, Ki-Taek Chun, sitting here with us  
19 this morning, they will provide you with that  
20 information. But if you don't give us your name and  
21 your address, we can't provide you-- we can't send it to  
22 you, but you have to do this--

23 MR. GOTTLIEB: I think we might explain,  
24 all of the members of the commission have been appointed  
25 either by the Governor's office or the President, et

1 cetera-- I'm sorry. Exclude the Governor's office. We  
2 meet at least once every four months. As problems have  
3 come up, we try to meet a little sooner. We do have  
4 reports. I'm as frustrated as you are. I will say it  
5 out loud. You say, well, after today's meeting, why  
6 must you wait three or four months to get an official  
7 reporting of it? I know it's frustrating. Some of us  
8 on the commission are frustrated, but that's the way our  
9 federal government works.

10 Now, we have other problems we're frustrated  
11 with. We've related this to Washington, et cetera.  
12 Maybe something could be done, but we won't promise it  
13 to you. But I think the main thing is, we're all  
14 volunteers or appointees. We're trying to improve. We  
15 can't solve all of the situations, but I think by us  
16 working together, if we live long enough, maybe we'll  
17 solve some of these things. That's my philosophy.

18 MR. HINTON: Mr. Pitts, I just wanted to  
19 make it clear, it's probably an illusion that is in the  
20 minds of many of you of who we are and what we do. We  
21 are the West Virginia Advisory Committee to the US  
22 Commission of Civil Rights, and we help advise the US  
23 Commission. And they, as well as us-- all we are are  
24 the eyes and the ears to the President of the United  
25 States. And we report what we find and what we hear

1 out-- and we have no enforcement powers at all. And if  
2 we did, you could blame us for what's not being done. I  
3 think it would be incumbent upon you who are concerned,  
4 that you would talk to your elected representatives as  
5 to, you know, what in the world is going on. Why do we  
6 not have even more effective legislation? Why don't we  
7 not have the legislation that's been enacted enforced?  
8 That is not our responsibility. All we do is report  
9 that which we hear and what we see. That's what we're  
10 going to do here. From there on, we don't do anymore.  
11 And it's up to you to put pressure on the powers that be  
12 to see that active enforcement will take place.  
13 Otherwise, it will not get done.

14 MS. POPS: What I read from Don's  
15 proposal to the US Commission this morning is that one  
16 of our four goals and that one of the most important  
17 things about today is today. And it's not just for us  
18 to hear you, but for you to hear each other, and to meet  
19 together. And, you know, if you have groups that you  
20 want to form up, you are 100 percent free to stay in the  
21 room after we all leave to come up with a task force.  
22 If problems are identified, we certainly want to hear  
23 about them. We want to pass them on up to Washington,  
24 DC.

25 But the crucial element today is for you all

1 to talk to each other, to hear each other, to identify  
2 who you are, and what your stands are, and what can go  
3 on next.

4 So, even though we weren't given this room,  
5 we invite you to remain in the room at the end of the  
6 day. And I know when we have community meetings in  
7 Morgantown, we always end with a task force. And if  
8 anybody wants to pass around a sheet of paper and ask  
9 people who would like to be with them in any future  
10 meetings, I mean, you're all much more free than we are.  
11 We really are interested and we want to hear this and we  
12 want to continue pursuing this.

13 And we have even talked about the possibility  
14 of having a forum such as this in the northern part of  
15 the state. If anybody is interested in that, you're  
16 welcome to give us input into that. But one of the  
17 crucial factors is that you all continue after we leave  
18 the room.

19 MR. PITTS: Ki-Taek, is it possible to  
20 have copies made, if the members of the panel would like  
21 to provide the present people with copies of the  
22 statements? You think we may be able get some copies  
23 made here?

24 SPEAKER: What do you mean, "Do you  
25 think"?

1 MR. PITTS: I can't hear you.

2 SPEAKER: What do you mean, "you think."  
3 We have a university full of machines.

4 MS. POPS: Connie, you went to use the  
5 machines. What happened with the machines?

6 SPEAKER: I haven't gone. I intend to  
7 go.

8 MS. POPS: You haven't gone.

9 MR. CHUN: Now, that, I think we should  
10 look into to see what we can arrange, because of the  
11 cost involved. There's a question of how many copies we  
12 want, how many people want it, and it isn't something  
13 you can just give a blank yes. So, let's discuss that  
14 in the recess, the lunch break, and see what can be  
15 done. Maybe you may like to find out how many people  
16 would like to have copies of that.

17 SPEAKER: Everybody.

18 MR. PITTS: We can check on it and see  
19 if it's possible, and if the members of the panel will  
20 agree to do that, we'll try to provide it. Yes, sir.

21 SPEAKER: Yes. My name is David McGee.  
22 I'm an executive board member of the Huntington branch,  
23 NAACP. And something that was said earlier about the  
24 lady from the housing committee is something I can  
25 relate to. And I have a statement here that I wanted to



1 put in the record, if I could. I'm not going to read  
2 this right now, but I'll touch on the highlights of it.

3 I'm also a member of a peace group at  
4 Marshall. We were outspoken opponents of the war with  
5 Iraq, as was the Huntington branch of NAACP, which  
6 passed a resolution opposing that war. As a result of  
7 that, some of our members went downtown to a pro war  
8 rally, and a Huntington police officer observed me being  
9 attacked by one of the people that was there. Two other  
10 members of our group saw this happen. They saw the  
11 officer watching as we were-- as I was attacked.

12 When I approached the officer and asked him  
13 if he was going to do anything about it, he denied  
14 seeing it. He refused to give us his name or his badge  
15 number. He went into the crowd, the people who were  
16 there in favor of the war. He seemed to be sort of on  
17 their side, I guess you would say. He was-- as some of  
18 the people that were there were spitting in the faces of  
19 some of the people that was there opposing the war, he  
20 was patting them on the back saying he understood where  
21 they were coming from. He did nothing to enforce our  
22 right to protest. As a matter of fact, he seemed to be  
23 encouraging the people to attack us.

24 After that, I had the same kind of problems  
25 like Arley Johnson was mentioning with the magistrate

1 system. The officer didn't want to come in and give the  
2 name of the person who attacked me so I could fill out a  
3 warrant. I had to call the Sheriff's department and ask  
4 them to call the Huntington Police Department to ask the  
5 officer to come in and give us the name.

6 So, these problems, you know, have continued  
7 with the Huntington Police Department with our group,  
8 which is a mostly white group, the MAPS Group on campus.  
9 I feel like there's a good bit of discrimination as a  
10 result of the fact that some of us have long hair or our  
11 philosophies concerning the war or other things and  
12 that's why I showed up here today. I want to submit  
13 this if I can.

14 MR. PITTS: If you will bring that  
15 statement to me, I will mark it as an exhibit and have  
16 it attached to the record.

17 MR. HINTON: Your first name again?

18 SPEAKER: It's written on the back  
19 there, and my address is on there and phone number.

20 MR. PITTS: Any other questions?

21 SPEAKER: I have a question about the  
22 consent decree in Charleston you spoke about. Perhaps  
23 others know more about it. I would be interested in  
24 knowing where it was brought, where the case was  
25 brought, what the issues were, what the terms of it

1 were, and what the results have been, both positive and  
2 negative.

3 MR. STARKS: Okay. For the sake of this  
4 body here today, I will touch on the results. And if I  
5 could put that over on Police Chief Dallas Staples to  
6 give you some-- maybe some more details, I will do it  
7 like that. That won't burden the crowd with, you know,  
8 fine points.

9 The results were a dual hiring list system  
10 enacted for the Charleston police force, which at this  
11 time has its problems, but it has been more effective  
12 than past hiring practices.

13 The fire department, in their last hiring,  
14 had ten new black firemen as well as a couple of  
15 females. So that has been very successful. But the  
16 key, I thought, to it was that they made people feel,  
17 through this project, that they would get a fair shake,  
18 which encouraged black applicants. Because in the past,  
19 they had been very reserved when it came to police  
20 hiring.

21 So it was some very creative tactics used in  
22 encouraging black applicants, and new things were put  
23 in, such as they had black recruiters. The interview  
24 system, which has in the past been very flawed, was  
25 examined and restructured to give-- because the

1 interviewers, which if I'm not mistaken is the last step  
2 to hiring, was discriminatory in itself by who was doing  
3 the interviewing. So it made it very difficult for any  
4 African Americans to get past that stage.

5 The test itself was evaluated and classes or  
6 training for the test was given to offer everyone an  
7 opportunity. So as a result of it, I don't know the  
8 exact number of black police officers on the Charleston  
9 Police force at this time, but it has increased, as well  
10 as promotions and other facets of it. As I've mentioned  
11 before, I imagine Chief Staples could give you more  
12 details on the consent decree and the details on that.

13 SPEAKER: I guess probably the question  
14 is whether it would be helpful for the committee, but I  
15 found it an interesting example of something that had  
16 happened in one particular case that might be a model.  
17 But I knew nothing about it. And I thought I'd share my  
18 ignorance.

19 MR. STAPLES: It was a process that was  
20 brought about by the fact of lack of hiring of  
21 Afro-Americans and the lack of upper mobility, once the  
22 applicants were hired. We weren't seeing any upper  
23 mobility, was the basis for the suit. And if you want  
24 to look it up in the Federal court clerk's office, it's  
25 styled Willy Brooks versus the City of Charleston.

1           We have seen some positives. There are some  
2 negative sides to that consent decree. The positives  
3 are that we saw an increase in hiring. We went from  
4 eight blacks officers in 1989 to 19 officers to date,  
5 with the hiring of three additional officers this week,  
6 Afro-American officers this week. So, we've seen an  
7 increase in the fire department.

8           But one of the down sides that we realize  
9 now, and attorneys have realized it, is that our  
10 involvement in the development of the decree itself  
11 leaves a lot to be desired. We see that now. And that  
12 would be something that we would encourage that any city  
13 that enters into that, that all parties that are going  
14 to be a part of that decree have input into the  
15 development of that decree, so that you don't have these  
16 hidden agendas or hidden traps that you fall into. And  
17 that was-- those are some of the down sides that we saw  
18 with the consent decree.

19           I think that it's a good instrument. But I  
20 think that a lot of that should be eliminated with  
21 positive statements from executives, from governors,  
22 from mayors, that you really shouldn't have to file a  
23 suit or enter into any type of agreement for something  
24 that should be rightfully yours anyway. You should have  
25 the opportunity, as any citizen, to participate or

1 pursue a career in government. If that's the only way  
2 that it can be done, I think that it has a positive  
3 side.

4 I think that too many times administrators  
5 and executives and elected officials tend not to want to  
6 do things or take extreme measures because they fear,  
7 well, we're going to get sued. But my reply to that is:  
8 you didn't fear suits from Afro-Americans when you were  
9 discriminating.

10 So, I think you need to take-- those  
11 administrators and elected officials need to take those  
12 positive extreme steps. And a lot of times you don't  
13 need a consent decree. I think you just have to stand  
14 up for just what's right. If you do what is right, I  
15 don't think you'll have any problem.

16 MR. STARKS: Could I add something, Mr.  
17 Chairman? I think that one very crucial area to this,  
18 and I think Chief Staples alluded to it, and that is to  
19 have a very solid monitoring system of any programs that  
20 are enacted, because there are hidden agendas, and  
21 people-- individuals within that particular system that  
22 don't like the system anyway, so they'll do anything to  
23 kind of undercut something here and there. And we have  
24 seen that in a few applicants or police officers that  
25 have been hired and then quite didn't make it through

1 the probationary period.

2 MR. STAPLES: We saw a collateral attack  
3 on the consent decree that we entered into. There was a  
4 collateral attack from some officers, but the decree  
5 withstood the collateral attack. So, we were quite  
6 happy with that, that it withstood the collateral  
7 attack. And it will, more than likely, come under  
8 attack as you enter into some decree, you're going to  
9 have some type of a legal thing.

10 MR. STARKS: One other thing I would  
11 like to add, as far as the fire department is concerned.  
12 They have excellent support from the union-- what's the  
13 fireman's union? They had excellent support and  
14 cooperation from them, because they had it from the  
15 leadership down. I'm not so sure that that much  
16 cooperation came from the Charleston FOP.

17 MR. STAPLES: Well, we didn't receive  
18 any resistance from the Fraternal Order of Police. They  
19 have been very supportive, not only of the decree, but  
20 of our black law enforcement organization. So, we  
21 haven't-- we didn't encounter that type of resistance  
22 from them--

23 MR. STARKS: I say that--

24 MR. STAPLES: --as an organization. I'm  
25 not saying that some of its members didn't, but as an

1 organization.

2 MR. STARKS: I say that to say that  
3 pressure, sometimes in enacting these types of  
4 initiatives, have to be put on those areas, as well.  
5 It's easy to point the finger at police officials and  
6 whatever, but a lot of times they get internal pressure  
7 from police unions, such as what has happened down in  
8 Huntington. So, you know, people have to respond to  
9 those organizations as well.

10 MR. PITTS: Greg?

11 MR. HINTON: Mr. Pitts, I want to know  
12 from the panelists, Ms. Reynolds touched on it a little  
13 bit, but is there a perception in the community that  
14 blacks and other ethnic people who are arrested or are  
15 suspects for crimes, are they interrogated differently  
16 than other people who are also suspects from the  
17 majority population? Is there any perception in the  
18 community as far as those type of practices?

19 MS. REYNOLDS: I'd like to make a  
20 comment. I was never questioned. I was detained  
21 because this officer didn't know where he was. I don't  
22 think-- I think that's important that's made very clear.

23 MR. HINTON: I understood that.

24 MS. REYNOLDS: It was his fault that he  
25 didn't know where he was. It was his mistake. It was



1 not mine.

2 MR. HINTON: But yet at the time, in his  
3 mind, you were a suspect?

4 MS. REYNOLDS: That's right.

5 MR. HINTON: And I understand that. And  
6 was your treatment, as you perceive it, different than  
7 had you been a white female or a white male?

8 MS. REYNOLDS: No, I really can't-- I  
9 can honestly say here that-- I think it was out of  
10 ignorance because he did not know where he was. He was  
11 looking for somebody in Northcott Court. Understand  
12 what I'm saying? Northcott Court--

13 MR. HINTON: I understood that. Excuse  
14 me. I understood that. But then when he found out that  
15 he was in the wrong place, you know--

16 MS. REYNOLDS: He never apologized,  
17 right.

18 MR. HINTON: He never apologized to you.

19 MS. REYNOLDS: I don't believe he would  
20 have apologized to anybody, because I think officers go  
21 to school. I think they teach them not to apologize,  
22 not to smile. Two things officers don't do, smile and  
23 apologize.

24 MR. HINTON: And my question is: is  
25 there a perception in the community that blacks and

1 other ethnic groups and the long-haired McGees - pardon  
2 me, because I know what you're talking about - but is  
3 there a different way of your being treated? Is there a  
4 perception to other people in the majority population?

5 MS. REYNOLDS: I really can't say yes or  
6 no, because that was the first time it happened to me.

7 MR. HINTON: Mr. Starks?

8 MR. STARKS: I can answer that without  
9 any doubt. Yes, there is a difference in how African  
10 Americans and other minorities are addressed by a police  
11 officer. That's why incidents occur so much more often,  
12 because it's inflamed from the very beginning. It goes  
13 without question that blacks are approached differently.

14 MR. HINTON: Can you give me some  
15 examples of what the differences would be without--

16 MR. STARKS: I think it's less patience,  
17 more-- I'm trying to find the words. It seems like a  
18 hate-- more of a hatred feeling coming forth initially  
19 when blacks are addressed by police officers in this  
20 state. I know that from numerous reports.

21 MR. HINTON: Reverend Leach, you--

22 MR. LEACH: I'd like to answer that.  
23 You asked a question: is there a difference between  
24 Afro-Americans? Certainly you could get the answer from  
25 the Charleston Police Department, because there would be

1 more blacks in that area to answer for. You couldn't  
2 get the answer from the Huntington or the Beckley  
3 because we wouldn't know. We only have one or two.

4 MR. HINTON: No, you're not  
5 understanding my question. People oftentimes are  
6 arrested and then-- or they're just suspects and they're  
7 interrogated by the police, you know, where were you at  
8 this time, what were you doing and so forth, you know.  
9 Is there any perception in the community that blacks and  
10 other ethnic groups, whether they be long hair or  
11 whoever they may be, are they treated differently when  
12 they're being questioned by the police, during either  
13 the arrest process or the investigation process?

14 MR. PITTS: Arley, your hand is up. But  
15 before we get to Arley, I believe that there was a hand  
16 back here.

17 SPEAKER: The big thing is unless you  
18 have something to compare it with, how would they know?  
19 I think you might say there's a consensus in the  
20 community that you start off being guilty because you're  
21 black, and you're treated that way by the police. How  
22 would they know? They haven't been arrested or  
23 investigated.

24 MR. HINTON: Do I hear you saying then,  
25 basically, that it's pretty much the consensus that

1 you're treated with a lot of indignity as a black who's  
2 a suspect or not?

3 SPEAKER: The impression is: you're  
4 black, you're guilty from jump. Now, whatever that  
5 means to you, that's the way I feel like I'm treated.

6 MR. HINTON: And now, that's the  
7 assumption, you're black, you're guilty, how would they  
8 interrogate you? How do they treat you?

9 SPEAKER: Like I'm guilty already. You  
10 have a problem understanding? What am I saying that you  
11 don't understand?

12 MR. HINTON: I understand that. But I'm  
13 looking for some factual example, something to flush  
14 that out. You're giving me a conclusion, and I don't  
15 have any problem with your conclusion, but I--

16 SPEAKER: Let's back up a minute. I'm  
17 giving you a fact of how I am relating to what's  
18 happening. You're drawing the conclusion. The fact is,  
19 they treat me from jump not as though I were innocent,  
20 but because I'm black, I'm guilty. The attitude is what  
21 I am talking about.

22 MR. HINTON: I understand that.

23 SPEAKER: If I am not there when they're  
24 questioning whites, how the heck would I know?

25 MR. HINTON: How do they manifest that

1 attitude?

2 SPEAKER: I mean, do I have to tell you  
3 what it feels like being guilty?

4 MR. HINTON: Listen. I'm an attorney,  
5 and I know the answer to the question. I'm trying to  
6 get something for the record here. Okay? I know how  
7 whites are treated and I know how blacks are treated,  
8 because I'm there on both sides of the issue. But I'm  
9 trying--

10 SPEAKER: Maybe it would be better if  
11 you ought to tell us.

12 MR. HINTON: No, I'm on the committee.  
13 I'm not here for the community.

14 MR. PITTS: Okay. We are trying to get  
15 it into the record, not just your conclusion, but  
16 something upon which we base the conclusion, a factual--  
17 set of facts upon which we base our conclusion. We just  
18 want to put that in the record. I think that what the  
19 real question is - and we have to answer that today for  
20 this forum - whether or not this is just something that  
21 occurs based upon race. Does it happen, this type of  
22 interrogation, to people that are perceived to be poor  
23 whites, for instance, and disadvantaged whites, or does  
24 the same type of interrogation happen only to blacks?  
25 That's what we are trying to get in the record. Arley

1 is next.

2 MR. HINTON: Mr. McGee had his hand up  
3 for a long time, too.

4 MR. PITTS: Arley had his hand up first,  
5 then I'll go to Mr. McGee and then I will come back to  
6 Phil Carter.

7 MR. JOHNSON: I mean, Huntington is no  
8 different, and Beckley, is no different than any other  
9 place in the country, I would say. And there's  
10 definitely a correlation between how I would say areas,  
11 such as the Guyandotte area of Huntington, the  
12 Fourteenth Street West area of Huntington and also the  
13 Sixteenth Street area of Huntington.

14 The Sixteenth Street area, or Hal Greer  
15 Boulevard, the Fairfield West area is commonly the black  
16 section. There's ill treatment there. There's also ill  
17 treatment in the Guyandotte area, which is the  
18 predominantly poor white section, as well as Fourteenth  
19 Street West. And the difference is these people are, of  
20 course, they're detained more often, they're detained  
21 more frequently.

22 In statements, like if I were an eyewitness  
23 to a crime in the Fairfield West area and I was giving  
24 my information, I wouldn't be as credible a witness as  
25 someone, say, from another area of the city. I wouldn't

1 be as a credible witness. We've seen that in  
2 Huntington.

3 In one particular case, there was probably 20  
4 or 30 eyewitnesses to an incident, which were minority  
5 in nature, and there was one white witness which was--  
6 which had a counter opinion to the incident, and the  
7 officers on the scene, the officers doing the  
8 investigation, took the word of that one white over the  
9 other 20 or so minorities who were eyewitnesses as well.  
10 And that is the way they proceeded on the case, until an  
11 over-- a preponderance of physical evidence proved  
12 beyond a shadow of a doubt that what this white witness  
13 saw could not have happened. The evidence was not there  
14 to support it. That happened in Huntington.

15 You know, I think the same thing happens in  
16 the Guyandotte section of town. And that's probably  
17 similar to a lot of other places. That is one definite  
18 instance, and that is on record. That is in a public  
19 record and that's also in the legal record. That  
20 happened. It happened recently in Huntington. You  
21 know, and for whatever reason, we know what the reasons  
22 are, but those things continue to happen.

23 You know, for a long time, I always thought  
24 it was just racism. And the difference is that, you  
25 know, when you're dealing with a black, especially in a

1 police department like the Huntington Police Department,  
2 I mean, there's two strikes against you. Not only are  
3 you poor, but you're black so you're going to get a  
4 double dose of whatever is going on.

5 And those in the white section get treated  
6 just as badly at times, but never as severely at times.  
7 And then other times they do, depending on the  
8 individual, depending on the person. But that's  
9 terrible and it happens all the time. It's a  
10 miscarriage of justice. And it filters on out through  
11 the legal system. Very few of those come from the  
12 Fairfield West area or the Guyandotte area or the  
13 Fourteenth Street West area. They're going to have some  
14 court appointed attorney, and probably-- and the others  
15 that come from more affluent areas are going to have  
16 some high-priced attorney which makes a difference.  
17 You're an attorney. You know the difference, how the  
18 judge looks at them differently and everything.

19 There's other things that are going on in the  
20 Huntington Police Department even right now, ongoing,  
21 which reflects that depending on who you are and where  
22 you're from, there's a different treatment, even to the  
23 point of trying to remove or exonerate records and files  
24 before things even happen. That happens in the  
25 Huntington Police Department. Those things are factual.



1 MR. PITTS: Mr. McGee.

2 SPEAKER: Yeah. I agree with Mr.  
3 Johnson on a lot of what he said there. I believe that  
4 there is discrimination, and it's based on race of the  
5 Huntington Police Department. In my case, I want to  
6 give you a specific example of what you're asking for.  
7 I can fix my problem. I can get a hair cut, put on a  
8 suit, keep my mouth shut and I wouldn't have a problem  
9 in the City of Huntington. The black people in this  
10 town can't change that so easily.

11 I have an acquaintance - I won't call him a  
12 friend, an acquaintance - who had a rental stereo  
13 system, and he reported it stolen to the Huntington  
14 Police Department. The rental company believes that  
15 he's trying to steal it himself. I don't know, maybe he  
16 is. I don't know this guy that well. But he was called  
17 in for questioning to the police department. And when  
18 he was called in, he was asked if he was a Satan  
19 worshipper. And I'm not sure, you know, if that's  
20 standard operating procedure to ask everybody who is  
21 charged with theft if they worship the devil, but I  
22 think it probably had a lot to do with his hair being  
23 long.

24 And, you know, there's been this big deal in  
25 the news lately about Satan worshipping. They found a

1 couple of dead cows out in some field and they've  
2 sensitized the police department. I think if they would  
3 substitute race instead of the devil, then maybe they  
4 would get somewhere around here. They're spending too  
5 much time trying to sensitize the police to devil  
6 worshippers. They ought to be spending their time  
7 sensitizing the issues of racism and sexism and  
8 homophobia.

9 MR. PITTS: Dr. Carter?

10 MR. CARTER: All right. A couple of  
11 observations I would like to make in regards to your  
12 question. From the newspaper articles from the Herald  
13 Dispatch you have in your packet, West Virginia has a  
14 black population of four percent, yet black prisoner  
15 population is 14.6 percent. In Cabell County jail-- the  
16 county has a little bit more than four percent black  
17 population. Percentage of prisoners or inmates in the  
18 jail that's black, 20.8. Now, there's a real problem  
19 when we look at the demographics of that population. It  
20 doesn't mean that inherently blacks have some kind of  
21 neurological propensity to do evil and go to jail.  
22 That's not the issue. It is something more.

23 Let me give you some specific examples that  
24 you ask for: Joe Swenson, fall, 1990, snatched out of  
25 his car by the Huntington Police, thrown to the ground,

1 gun placed to his head, was not arrested. Was not  
2 arrested. You see, those are the kind of things that  
3 need to be investigated. Not arrested. He certainly  
4 had to be a bad man and a bad criminal to do all of that  
5 to him and then say, okay, we'll let you go.

6 Another case: the processing of the murders  
7 in Huntington, and the shoot-outs by white boys driving  
8 by in the black community. Dead, Fawn Oakley, December  
9 13-14, 1990. Approximately 60 people in the black club,  
10 People's Choice Lounge, shot at by whites who were  
11 driving by. To date, have not found the killers - or at  
12 least I haven't seen it anywhere - have not found the  
13 murderers, have not found the drive by shooters who shot  
14 at innocent people, because they were black.

15 Reginald Daniels, downtown Huntington, Fourth  
16 Avenue, not too far from here. Killed by two white men,  
17 October 23rd, he was involved in the incident, died  
18 approximately December 14-15. What happened to the  
19 white men who killed Reginald Daniels? What happened  
20 and where are the killers who shot up the African  
21 American community?

22 The way it was investigated, the chief said  
23 it was blacks on blacks. Then later on, almost a month  
24 later, on January the 19th, the police force in  
25 Huntington stated to the white media, well, we now think

1 it's a white-- group of whites in a '60 white Chevy  
2 Nova, or something like that, that probably did it.

3 But you see, it was set up so that it was  
4 black on black. Black on black. It stayed that way  
5 until Christmastime and New Years. And then after the  
6 holidays, well, maybe it was white boys. We are saying  
7 that's a difference in treatment. And nothing has  
8 happened to this date.

9 MR. HINTON: Let me jump in and ask you  
10 to deal with this issue. Make a comparison, if you  
11 would, when you have a white defendant and a white  
12 victim, compared to a white defendant and a black  
13 victim, compared to a white victim and a black  
14 defendant, and a black defendant and a black victim. Is  
15 there any significant difference as we talk about those  
16 four comparative groups?

17 MR. PITTS: Are you directing your  
18 question to Dr. Carter?

19 MR. HINTON: Dr. Carter, and anyone else  
20 who wants to add on to his comment.

21 MR. CARTER: Let me just respond in this  
22 way: the witnesses, the onsite witnesses at the  
23 shooting, where three people were shot and about 60  
24 people were shot at, resulted in two wounded, one dead.  
25 All stated it was a group of white males in a white car

1 who did the shooting.

2 MR. HINTON: And I guess we've got black  
3 victims.

4 MR. CARTER: Black on black situation.  
5 However, that theme was followed by the newspaper, the  
6 theme that it was black on black, and not the theme or  
7 the theory of the African American community, that it  
8 was whites who did the shooting. That was suppressed.  
9 The newspaper cooperated. And it was released on  
10 approximately January the 9th or the 6th that now it was  
11 possibly whites. That was after the grief period of the  
12 black community had taken place.

13 MR. HINTON: Forget about the  
14 misconception. They took the wrong direction. But  
15 where it is that you have the different groups, where,  
16 let's say, that--

17 MR. CARTER: I'm convinced it would not  
18 have happened--

19 MR. HINTON: Let's say Mayor Nelson's  
20 neighbor is shot and a black man is a suspect.

21 MR. PITTS: Why don't we deal with  
22 specifics.

23 MR. HINTON: All right, good.

24 MR. JOHNSON: All of the instances  
25 you've just related to, it's all happened in Huntington

1 in the last four or five years. We have had black on  
2 black crimes. And the problem with it is-- and you  
3 asked me, why you can't separate the police from the  
4 judicial system in this county? It's impossible to do  
5 because they work hand in hand.

6 In the case of a black on black crime, in  
7 more times than not, if you check the records on black  
8 on black crime, there have been, A, no convictions.  
9 That means they didn't find who did the shooting.  
10 There's one case that's still outstanding, no one was  
11 ever found who did the shooting. Probably a drug dealer  
12 shot one or two times--

13 MR. HINTON: What do you attribute that  
14 to, Mr. Johnson?

15 MR. JOHNSON: Really, I guess, you know,  
16 when someone is killed, there needs to be a swift  
17 detective team on the scene to secure the physical  
18 evidence and begin a serious investigation. That  
19 doesn't happen when it's a black on black crime, soon  
20 enough, swift enough, or long enough.

21 We've also had a case where two young blacks,  
22 one was sixteen, one was nineteen, you know. He chased  
23 a boy down and put two bullets in his head, and the  
24 prosecutors and the judicial system said, we can't seem  
25 to find enough evidence to prove this may have been

1 pre-meditated murder. I don't know if it met the  
2 definition of pre-meditated murder, but if you're  
3 putting two bullets in someone's brain, you're probably  
4 meaning to kill them, I don't know. You know, but they  
5 couldn't find enough evidence to prove that. Probably  
6 didn't find the witnesses they wanted, but the evidence  
7 was there. So, he pleaded to second degree, probably  
8 ten to eighteen, which was fine.

9 At any time that there's ever been-- I'm  
10 thinking about a few years back when I was younger, of a  
11 black shooting a white in Huntington, justice is swift.  
12 It is very swift. They were brought to justice.  
13 Somehow when blacks shoot blacks, there's usually a  
14 year, year and a half wait before that comes to trial.  
15 If I shoot a white today in Huntington, I will be on  
16 trial next month, I guarantee it, especially if there's  
17 no doubt that I shot that individual. And most blacks  
18 in those cases, and there are two or three that come to  
19 my mind, have received life in prison without-- with no  
20 mercy.

21 MR. CHUN: To what do you account the  
22 differential way of processing?

23 MR. JOHNSON: I think that the-- to be  
24 honest with you, in my opinion, the Huntington judicial  
25 system and the Huntington Police Department reflect the

1     Huntington community. You know, they reflect the  
2     Huntington community. Let's make that clear. There is  
3     definitely a problem of racism in this city. I live and  
4     I work here. You know, hopefully some of those things  
5     are changing, but they haven't changed yet, enough for  
6     my satisfaction. And I think if you look at these  
7     juries, the judges, these prosecutors, they also reflect  
8     that system. And I think the biggest problem is there.

9             In most cases where these blacks have been  
10    tried - this is a small community - it's just assumed  
11    that all blacks know one another or probably some kin to  
12    one another, I'm not really sure. We're all some kin.  
13    But there's never ever a black on a jury where a black  
14    has been tried for murder. There's never been in this  
15    city, a black allowed to sit on a jury where a black is  
16    being tried for a capital offense. It's never happened  
17    in Huntington, to the best of my recollection, and I did  
18    do some checking on that. So the jury process itself is  
19    flawed.

20            And in the case where whites have shot  
21    blacks, usually the conviction is life-- second degree  
22    murder or either life with mercy, you know, ten to  
23    eighteen and they're back out. One case comes to mind  
24    from 1975, Harry W. Woods, a young man that was shot,  
25    pre-meditatedly on Sixteenth Street, sixteen years old.



1           You know, and I was sitting there and the  
2 jury-- and I cried during that trial, and I just cried,  
3 because he was my best friend, sixteen years old. When  
4 they came back with that verdict of life with mercy--  
5 they showed no mercy. You know, those are the type of  
6 things that really eat at you year after year after  
7 year, and it's in Huntington. Justice is not as swift  
8 if it's a black on black crime. Justice is not  
9 extremely swift.

10           You know, even in the case where you had a  
11 prominent businessman in the town who shot and killed  
12 his wife-- it was proved he killed his wife, that was a  
13 long drawn-out process that was a very highly--

14           MR. HINTON: That was white on white?

15           MR. JOHNSON: That was white on white.

16           And there was really a whole lot of efforts to try to  
17 get him off of that. But the evidence-- I think with a  
18 preponderance of the evidence, they had to do something  
19 with the individual. That's not all--

20           MR. PITTS: This gentleman here.

21           SPEAKER: Yes, Austin Hairston,  
22 Huntington police officer. I can give you an incident  
23 that happened-- two incidents, black on white and white  
24 on black crime. One of the incidents was with my son.  
25 My son went out with some other white kids, snatching

1 purses and wallets. He was arrested. He was sentenced  
2 for ten years. The same son, and we are talking six  
3 years ago, during the same period of time, he went to  
4 prison. He went to prison with a pin in his leg for his  
5 femur bone, was shot in two by a white kid on  
6 Twenty-fifth Street, that the police had had complaints  
7 on all during the day.

8 That person that shot my son has not been  
9 convicted. He was arrested immediately. But it never  
10 did go to court. My son done two years committing a  
11 crime of non-violence, and this guy shoots this  
12 individual for no reason, no apparent reason, and hasn't  
13 done any time.

14 MR. PITTS: The lady in the back here.

15 SPEAKER: I would like to speak on the  
16 incident--

17 MR. PITTS: I can't hear you.

18 SPEAKER: The shooting of the Fawn  
19 Oakley case. It was reported at a meeting we had  
20 directly after. There was a black, young black  
21 Afro-American on the street this night, and the police  
22 were taking them downtown before the incident happened,  
23 that they were clearing the streets like they knew that  
24 this incident was going to happen.

25 This is the way he put it, you know, they

1 were, at that time in the morning, they were coming  
2 around. And then when the incident happened, you  
3 couldn't find a patrol car in the area. But before,  
4 directly before the incident happened, there was several  
5 patrol cars there picking up all young black  
6 Afro-Americans off the street. They even arrested him  
7 because he didn't have-- he had tickets, outstanding  
8 tickets, which there was a warrant for his arrest, but  
9 they were clearing the streets before the incident  
10 happened. Where were they when the incident happened?  
11 It was just seconds, minutes, or maybe he said like not  
12 even an hour or so before this incident occurred, the  
13 shooting, the pass by shooting.

14           And then another incident I would like to say  
15 is about my son, who drove in from Detroit. He's a  
16 young man, black Afro-American. He was driving an El  
17 Dorado. He came in with another young man. He was  
18 getting some clothes from an apartment because he was  
19 living here and had moved to Detroit. They were  
20 watching them. Someone called in, they were watching  
21 them bring bags of clothes and putting them in the trunk  
22 of an El Dorado car. By the time he came around the  
23 corner and turned and did not even get half a block, the  
24 police had them surrounded in my driveway, he and my  
25 fourteen-year-old daughter on the car like this. And I

1 came out to ask them what's going on, and he told me,  
2 ma'am, get back in the house. Don't come out here. And  
3 you'd have thought we were on Miami Vice. They had  
4 police out there behind them with machine guns,  
5 everything, after these two individuals, just because he  
6 was a young black Afro-American driving an El Dorado  
7 from Detroit.

8 MR. HINTON: Out-of-state license?

9 SPEAKER: Out-of-state license. I said  
10 no, I'm not going-- you've got both of my children, my  
11 baby daughter. I said, I'm not going back in the house.  
12 Now, I won't come any closer, but I'm not going back in  
13 the house. I'm going to watch what you're doing to my  
14 children. We give them permission to search the car,  
15 which they did. And I said, if you want to come in and  
16 search my house-- he said they came in with something--  
17 they had some kind of-- they had from the police, that  
18 they were looking for an out-of-state from either  
19 Columbus or Michigan, and they gave a description of a  
20 car which matched-- didn't come close to the car that my  
21 son was driving.

22 Then they told me some off-the-wall bologna  
23 about, well, we have permission to arrest anyone  
24 crossing state lines in out-of-state cars. About that  
25 time, a man driving by in a car from out-of-state, Ohio.

1 He was white. I said, why didn't you stop him? He had  
2 an out-of-state-- go stop him right now. Why do you  
3 have my kids here? Not only my kids, if they had been  
4 anybody else's kids, in front of my house, I would have  
5 gone out to see what was going on. Because they do have  
6 a tendency of stopping black young Afro-Americans,  
7 whether they are legit or not. And they'll come up and  
8 they'll put guns at their heads. They will-- you ought  
9 to see about 15 or 20 patrol cars then.

10 But when we call them for something  
11 legitimate, you do not see them. They will not come up  
12 until about maybe an hour or so later. You do have to  
13 call them, keep calling them and calling them and then  
14 they may not even show. Thank you.

15 MR. JOHNSON: This lady made mention of  
16 Miami Vice. These are serious incidents. These are the  
17 kinds of incidents that if allowed to continue, will  
18 fester a harboring of resentment, hate, and will bring  
19 total destruction to our community. And it is pertinent  
20 that we move forward to determine what types of  
21 sensitivities are necessary to stop-- to bring to an end  
22 this type of attitude and this type of policing of our  
23 people in our community.

24 MR. CHUN: I have a question for Mr.  
25 Carter, please. I am going back to your description of

1 drive-by shoot out, in which initially there was a  
2 misleading characterization given the incident, as  
3 blacks on blacks. Now, in that description, you made it  
4 sound it was-- I was confused, as if at one point the  
5 police was responsible, to a certain extent, for having  
6 given up this kind of misleading clues. But then at  
7 another time, it sounded as though it was the press  
8 which kind of provided particular statements. Is it one  
9 or the other, or both, or can you elaborate a little as  
10 to what--

11 MR. CARTER: You will find that in some  
12 of the articles that I've provided. I think the only  
13 newspaper that will carry full statements of the NAACP  
14 was Mr. Starks', but we made it clear in our press  
15 statement. You will find in there, there was some  
16 collaboration between, in our opinion, the white media  
17 and the police, and it was a cover up. And we stated  
18 that it was stated in at least two or three different  
19 press releases that you have in that file. That was our  
20 opinion then. It's our opinion now.

21 And I think that one of your executive board  
22 members alluded to something else. And we have some of  
23 this-- some on tape, we videotaped people in the black  
24 community telling us what was really going on. And  
25 there's some very strong circumstances surrounding all

1 of this, that clearing of the black men off the street  
2 before the drive-by shooting took place, the possible  
3 cover up that took place, the suspending of the dealing  
4 with the reality of the African American community who  
5 said they saw whites drive by and do the shooting and  
6 then later on, stating a month later, or almost, stating  
7 that yes, we do believe that it's whites who did the  
8 shooting. That leads us to draw some conclusions.  
9 There's something more to this. And I will tell you,  
10 that some of us on the executive board of the NAACP  
11 believe the police might have been involved.

12 MR. PITTS: You're suggesting that-- I  
13 don't see it as a misrepresentation, I see it as an  
14 outright lie, that there was a lie then to control--

15 MR. CARTER: Yes.

16 MR. PITTS: --the black community.

17 MR. CARTER: Control the grief process  
18 of the black community.

19 MR. CHUN: You are thinking the police  
20 provided misleading information. Then when you were  
21 able to gather facts of the situation-- why was it when  
22 one-- did you say then this newspaper-- they were unable  
23 to get the facts, which you were able to provide the  
24 kind of story that you were able to produce?

25 MR. PITTS: You see, this is part of the

1 problem. When it's the blacks, it's a lie. When it's  
2 somebody else, it's misrepresentation, it's misleading.  
3 It's a lie. I don't care what color it is, that what we  
4 are dealing with here, we want to phrase it in-- couch  
5 it in some euphoric terms when it comes to the white  
6 community. And I'm saying if we are to get to the gut  
7 issue then we have to put it into the frame work that it  
8 is really. Why are we dressing it up? It's a lie.

9 SPEAKER: Whether it's Huntington or  
10 Beckley or any other particular place, the press seems  
11 to have no concern to investigate an article on its own,  
12 it just goes down, copies down what's--

13 MR. CARTER: I think the same reporter--  
14 that same reporter is in here.

15 MR. PITTS: I don't want to get into  
16 any--

17 MR. CARTER: We took the witnesses and  
18 the wounded to the executive office of the newspaper  
19 because we knew what was going to happen, to make sure  
20 that the truth got out. And the reporter is here,  
21 right? You were there. And we still did not focus on  
22 the whites doing the drive-by shooting, and it came out  
23 blacks shooting, and the mayor shutting down the black  
24 club. And we kept saying, please don't run that, that's  
25 not the truth. Now the young man right there knows



1 that's what went down. So we took those precautions  
2 because we understand the kind of white system.

3 MR. PITTS: We will deal with Bernard,  
4 and then the young lady in the back made a statement, in  
5 the back.

6 MR. GOTTLIEB: Mr. Johnson, I will ask  
7 you, since you seem to be pretty precise on most of your  
8 statements, which I respect you for. With all that's  
9 going on in Huntington and being from Clarksburg, I'm  
10 concerned you all feel that it is only, say, Huntington  
11 Police Department and Beckley, and so forth. Have any  
12 other agencies, outside agencies of the State or Federal  
13 FBI, or whatever, have any of them come in to make any  
14 investigations as far as you know?

15 MR. JOHNSON: As far as I know, they  
16 have participated in some investigations, and the  
17 federal agency has been productive in Huntington in  
18 terms of drug indictments and drug prosecution. And  
19 that has been very helpful, and I think there's  
20 probably-- if it is not attended to at the federal  
21 level, it will go right past our county courts and right  
22 past our city government unless they have, you know, a  
23 preponderance of the evidence. And it may not always be  
24 easy to prove a lot of things we're saying here now,  
25 just conjecture or rumor, until you have factual

1 evidence, and that's just all it is until you have it in  
2 a legal record, you know.

3 And I think what I would like to see, I would  
4 like to see a sweeping federal investigation of the  
5 whole police and judicial process of Cabell County,  
6 including the City of Huntington. I think it is marred  
7 beyond repair. That is probably some of the things we  
8 mentioned here today, these are documented and truthful  
9 things. I think until the federal government at the  
10 judicial level with enforcement power comes in in a  
11 strong way into this county, into this city, you're not  
12 going-- you're going to always see some placating.  
13 You're going to see some bandages here and there, just  
14 kind of prolonging the process. And that may not be  
15 done in all of West Virginia, I know.

16 I'm aware of some incidents in Beckley; I'm  
17 aware of many other things. It appears that Charleston  
18 has the lead on all of it. I do think there's a need  
19 for the legislators and also politicians to be more  
20 involved, because more times than not, we usually stand  
21 alone. And I have no problem with standing alone, but  
22 the fact and the truth is, you know, that it's not  
23 always easy-- racism isn't always easy to prove. But in  
24 terms of what's going on in the judicial system, in the  
25 police department of Huntington, West Virginia, it is

1 very easy to prove, and any attorney could prove that  
2 beyond a shadow of a doubt. You won't get an attorney  
3 because of what's going on in Cabell County to take a  
4 case. I mean black or white.

5 MR. HINTON: This shooting that I'm  
6 reading in some of the articles, by chance were there  
7 five or more people involved in the shooting, in terms  
8 of the car that came through?

9 MR. JOHNSON: There was probably three  
10 people who were involved in the drive-by shooting.

11 MR. HINTON: Why do you say three? That  
12 is pretty accurate.

13 MR. JOHNSON: Because of the eye  
14 witnesses that saw the car go by, saw two in the front  
15 seat and one in the back.

16 MR. HINTON: The reason I asked that  
17 question, there's a State statute that puts financial  
18 responsibility upon the county and cities when the  
19 person or the victim of a crime involving five or more  
20 people, and to the extent that you--

21 MR. JOHNSON: There were three people  
22 doing the shooting. There was at least three.

23 MR. HINTON: In terms of actually the  
24 people who have actually done the conduct-- it was  
25 enacted in West Virginia several years ago and very

1 little used. To the extent that you have something like  
2 that in the future, the black community may go to the  
3 legal community and be able to make the county and city  
4 government pay the families who become the victims.

5 SPEAKER: We haven't got anybody here,  
6 legal, that will help us in the legal community.

7 MR. JOHNSON: The system here is so  
8 corrupt, in my opinion, it is so corrupt, that any local  
9 attorney who takes on any of these cases, you know, as  
10 far as his local practice is concerned, it's null and  
11 void. He's through, or she's through. And I think they  
12 realize it. That's the reason why they're so hesitant  
13 to take on the FOP or the--

14 MR. HINTON: Well, the NAACP has a legal  
15 redress committee that should have been definitely  
16 involved with the situation. And we have the best  
17 chairman any state could ever have, Frank Cleckley.

18 MR. PITTS: Let me buttress this with  
19 another question. Taking into account the current  
20 effect of the Reagan/Nixon spirit, nationally, Reagan  
21 and Bush, all the way to Bush, whether or not a federal  
22 investigation would reveal, in your opinion, anymore  
23 than what the local internal affairs groups of these  
24 racist police departments, will it reveal anymore?  
25 Would there actually be this sweeping--

1 MR. JOHNSON: First of all, I understand  
2 one thing. In these type of police departments,  
3 especially in Huntington, you have-- for all intents and  
4 purposes, you have no internal affairs. There is no--  
5 in my opinion, there is no internal affairs. There  
6 hasn't been in the past, because they were not there to  
7 investigate fairly their own members. They were really  
8 there to make sure their own members stayed out of  
9 trouble. And if they were in trouble, to make sure they  
10 didn't have any punishment, to make sure they didn't get  
11 kicked off the force, make sure they didn't get fined,  
12 make sure they didn't get taken to court.

13 And any police chief that was in place  
14 understood that system. Any judge that was seated on  
15 the bench supported that system. Any prosecutor that  
16 dealt with it, wouldn't prosecute that system. That is  
17 a fact.

18 MR. PITTS: Well stated. My question is  
19 you are suggesting that we might suggest very strongly a  
20 sweeping investigation. My question is whether or not,  
21 based on the-- as we see the rebirth and regrowth of the  
22 plan and all of the groups and the infestation in the  
23 federal-- under federal hierarchy, whether or not it  
24 would reveal or do or produce anything more than this  
25 current status. Do you believe that?

1 MR. JOHNSON: I know that beyond a  
2 shadow of a doubt. You can look in Huntington, just the  
3 judicial records itself in the last 25 years, and you  
4 would have a preponderance of the evidence to do  
5 anything you wanted to do as far as the judicial system.  
6 There's things going on presently within the Huntington  
7 Police Department and also the judicial system in Cabell  
8 County that would prove it. You wouldn't even have to  
9 go back 25 years. But just to make sure you have the  
10 case studies correct, I would suggest you go back 25  
11 years. I mean, you would have a preponderance of  
12 evidence. I live here. I work here. I play here when  
13 I can, and I know what I'm talking about.

14 MR. PITTS: Did you want to reply?

15 MR. STARKS: Yes. I would think that  
16 these local police forces have been so used to operating  
17 within its own parameters that any type of outside  
18 inquiry would assist in producing information that would  
19 document, you know, a lot of actual goings on in the  
20 state as a whole. But I would like to add, too,  
21 Councilman Johnson, that a recommendation to our  
22 leadership, as well, from the governor down to, you  
23 know, look at this in more of a serious nature and take  
24 an active role in looking at this situation, as well as  
25 many others could be of benefit. I think that the

1 federal government looks at our state and understands  
2 that it has no leadership from the top when it's  
3 concerning African Americans, I think that perhaps that  
4 would shed light on things, and that it could possibly  
5 be beneficial.

6 MR. PITTS: Let me ask you several  
7 questions. One: is there an infringement on  
8 conservative attitudes of white Americans today, in your  
9 opinion?

10 MR. CARTER: In my opinion, I think  
11 without a doubt. Without a doubt, as reflected locally  
12 and state-wide in some of the statistics we see,  
13 whenever there is an opportunity to exercise control,  
14 that control is not equally exercised in regard to  
15 Afro-American males and African American females, than  
16 with other groups.

17 MR. PITTS: Dr. Carter, based on that  
18 statement earlier presented by Councilman Johnson, do  
19 you believe that that is a reflection of the community  
20 of the majority of white Americans?

21 MR. CARTER: I believe that the majority  
22 of white Americans subscribe to the concept of white  
23 supremacy.

24 MR. PITTS: And do you feel that as a  
25 result of those attitudes and as a result of that

1       conduct that a federal investigation will come in and  
2       remove those attitudes and those perceptions and change  
3       the structure of the attitudes of the police forces that  
4       are prevalent throughout southern West Virginia?

5               MR. CARTER: I believe that the  
6       attitudes will not be changed. But on the other hand,  
7       if the federal government would come in, I believe some  
8       behavior would change. And maybe if the behavior can be  
9       changed, some attitudes can possibly be changed. But I  
10      don't see the powers that be here in the white community  
11      really responding to anything else, except direct a  
12      mandate from a superior power.

13             MR. PITTS: One last question. You've  
14      been in education a number of years.

15             MR. CARTER: Twenty-two years.

16             MR. PITTS: Do you believe that there  
17      should be instituted multi-cultural sensitivity training  
18      across the board to law enforcement personnel and to  
19      communities?

20             MR. CARTER: Yes, I believe it has to be  
21      simultaneously done. On one hand, multi-racial and  
22      multi-cultural sensitivity. And that type of training  
23      must be administered by a multi-racial, multi-cultural  
24      and gender sensitive group of people. And at the same  
25      time that type of training is being administered, I



1 believe that it is important that the poor community,  
2 whether it's white or whether it is black, or any other  
3 color, know how to place sanctions upon officers that  
4 are out of control. And we do not know that. We really  
5 don't.

6 MR. PITTS: Ki-Taek, I have your  
7 question, and then I want to propose that I would open  
8 for response any members of the panel any questions that  
9 I asked. Let's hear from Ki-Taek first.

10 MR. CHUN: It's more of a request I  
11 think. There were some strong allegations made  
12 regarding the mass media. And I just happened to  
13 learn-- I wasn't aware that we have a reporter from the  
14 Herald Dispatch. But since he's here, I think it's only  
15 fair we offer an opportunity for him to respond, either  
16 orally now or in writing subsequently, or both,  
17 whatever, because you know, we just have his side of the  
18 story.

19 MR. PITTS: Well, is the editor in chief  
20 of the newspaper here? I don't know that a reporter  
21 could give us--

22 SPEAKER: The Chief of Police is here.

23 MR. PITTS: Well, he is on the program.  
24 And unless it is the editor in chief or the editor of  
25 the front desk, or whatever you call it here, I would

1 hold the position that makes any decisions and changes  
2 copy and all of that-- I don't think that this hearing  
3 from a reporter would basically change anything.

4 MR. CHUN: It may not change but he may  
5 have some comments to make, if he cares to.

6 MR. PITTS: His comments are seen by his  
7 attitude towards our community here.

8 MR. GOTTLIEB: In fairness to the  
9 reporter, I think what--

10 MR. PITTS: It's not fair to the black  
11 community and this city. Why do--

12 MR. JOHNSON: You are assuming that, Mr.  
13 Chairman. Let the man speak.

14 MR. PITTS: I am assuming it. I base my  
15 assumption on what you said.

16 MR. JOHNSON: I didn't say it.

17 MR. GOTTLIEB: I'm going to say we still  
18 just give the reporter-- he might say he's writing what  
19 he's been told. He might say he only had certain  
20 information. I would like to hear it straight from him.

21 MR. PITTS: That is not the purpose of  
22 this committee to do that. That's what I'm trying to  
23 tell you. That's the bottom line. It's not the purpose  
24 of this committee--

25 MR. JOHNSON: I think when we

1 interjected the press and this individual, we made it--  
2 we opened it up. It's just like any legal proceeding.  
3 We brought the issue up.

4 MR. CARTER: I would agree. There ought  
5 to be a time when the media can be dealt with, the same  
6 way we're dealing with the police chief, because that's  
7 just as much a part of this problem as anything else.

8 MR. PITTS: I recognize what you're  
9 saying. I'm just saying that we're not here to put that  
10 particular individual on the spot for what happened. We  
11 are here to gather the information.

12 SPEAKER: We are here to put anybody on  
13 the spot.

14 MR. PITTS: The committee does not put  
15 anyone on the spot. This committee has not put anybody  
16 on the spot. We are merely gathering the information.  
17 I think you must understand what our role is. Our role  
18 is to gather the information and to make a report on  
19 this information.

20 MR. HINTON: Mr. Pitts, I think he may  
21 be able to at least give up some insight perhaps in his  
22 information gathering and reporting. And I would ask  
23 that you, as the chair of the subcommittee, allow him an  
24 opportunity to at least give us-- he made shed some  
25 light that could be helpful to all of us here, and I

1 think it may be very appropriate.

2 SPEAKER: And we want to hear him. We  
3 want to hear him.

4 MR. HINTON: Just him, because we're  
5 running out of time.

6 SPEAKER: I just want to say that my--

7 MR. HINTON: Stand up, please.

8 SPEAKER: My name is David Rogers, I'm a  
9 reporter for the Herald Dispatch.

10 SPEAKER: Talk louder, baby.

11 SPEAKER: Okay. I just wanted to say  
12 that my executive editor, Zack Binkley, was at the  
13 meeting that Mr. Carter spoke about that had the NAACP  
14 board members and some of the witnesses. He saw no  
15 problem with the story I wrote. I thought it was very  
16 factual, very accurate and correct. And I do believe  
17 that it is stated that these witnesses saw three or more  
18 white men drive by in a late-- well, not late-- '60s  
19 model white car at the bar and fire at the bar. That  
20 was approximately two days after the shooting. So I  
21 can't see where it was a cover up by the media in any  
22 way. Any other comment, I'd like to direct to Mr.  
23 Binkley. I don't think it's my place to say--

24 MR. CARTER: Did Reginald Daniels die of  
25 AIDS-- were the wounds inflicted upon him by the white--

1 his white killer?

2 SPEAKER: Dr. Carter, I'm not really  
3 sure. I did not cover that at all.

4 MR. CARTER: The newspaper also state--  
5 it's the same set of circumstances.

6 MR. PITTS: We've reached that point in  
7 time, if any member of the panel wishes to respond  
8 briefly--

9 MS. REYNOLDS: I had something I think  
10 is very important. I haven't had a chance to-- I wanted  
11 to address this to Chief Wade. Officer Austin Hairston,  
12 one of our resident council members, he offered a  
13 proposal to you, I think it was dated April 9, 1991,  
14 some very good ideas and input. Have you considered any  
15 of these ideas?

16 MR. WADE: Yes, ma'am. We're  
17 considering them.

18 MS. REYNOLDS: I think you're excellent.  
19 I would like-- some time next week, can I call you?  
20 Would you come to one of our meetings?

21 MR. WADE: Certainly will.

22 MS. REYNOLDS: Okay. I'll call you.  
23 Thank you.

24 MR. JOHNSON: I would like to add a few  
25 things. I think in terms of the Huntington community,

1 what I have been speaking about are the institutions,  
2 and what I have seen out of these institutions. The  
3 community as a whole, I haven't taken an exact poll to  
4 see who all is a racist, who was born racist, and I  
5 don't particularly care.

6 But I am interested in the governmental  
7 institutions that are designed to protect the rights of  
8 all its citizenry. I don't feel that's been adequately  
9 done in the police department in a number of years or in  
10 the judicial system, and certainly not in the political  
11 system. And I think that's wherein the problem lies and  
12 that's why I would like the federal government to just  
13 look into those institutions and their treatment of all  
14 its citizenry on the civil rights issues. I think  
15 that's-- I think there's more than enough evidence for  
16 them to draw their own conclusions, just as I've drawn  
17 them, and they will be more accurate that way.

18 MR. STARKS: I'd like to respond once  
19 again to your question to Dr. Carter, would a sweeping--  
20 would federal intervention achieve anything, and I would  
21 think-- I would tend to think that it would be much like  
22 the Rodney King video. For years and years these police  
23 brutalities didn't happen until it was actually seen.  
24 And if information can be gathered through an agency  
25 that has the capability of doing so on a broad scope,

1 I'm sure the questions that Mr. Hinton asked, are there  
2 any differences in how Afro-Americans are approached  
3 opposed to whites, I'm sure that that would be seen  
4 right straight up.

5 MR. PATTERSON: I would like to say in  
6 response to that, you know, about federal investigation,  
7 what would it produce, would it change the mind set, I  
8 would say it would not unless you get rid of those  
9 individuals that are there. I would say, too, in line  
10 with that, that the media, since I have been here these  
11 three years, have not really, with the exception of  
12 probably one television station for an example, have  
13 tried or at least attempted to bring a positive light of  
14 anything that goes on in the Fairfield community. And I  
15 will use some examples, if I might of that.

16 Some positive things that's went on in the  
17 community that I know personally, I have been writing  
18 the news media to come and participate, and I know  
19 there's some other things the NAACP has done, has asked  
20 the media to participate in, they have not done. But  
21 only when there's a negative light, only when there's  
22 negativeness or something that can be shown negative,  
23 it's always on the front page or at least a big part of  
24 the news, television or the news reports. And, you  
25 know, I think that that also helps to develop and form

1 opinions of what's going on in the Fairfield community.  
2 It perpetuates fear throughout the whole of Huntington,  
3 for example, you know, of not even wanting to go into  
4 the community.

5 And I think that unless the attitudes and  
6 certainly that of the media would change, and give a  
7 fair shake to both sides of the negative issues, as well  
8 as the positive issues-- because there are positive  
9 things that go on in the community. And we have got to  
10 begin to deal with that positive side, too.

11 MR. STARKS: I'd like to correct you on  
12 one thing. I think that there's more than one media  
13 that does share positive light in that area and that's  
14 the Beacon.

15 MR. PATTERSON: Oh, yeah, the Beacon.  
16 I'm talking about the white-- let me straighten that up.  
17 Absolutely. The Beacon does do very positive things.

18 MR. PITTS: We have gone over our time  
19 in this particular session, and I believe that it was  
20 time well spent.

21 Let me thank the panelists for serving and  
22 enlightening us and hopefully giving us food for thought  
23 for the two following panels to come.

24 MR. GOTTLIEB: Don, before you adjourn,  
25 I think we ought to explain that instead of starting at



1 12:40, because of going over, we ought to move it back  
2 at least to 1:00 o'clock to give everybody one hour's  
3 time to get ready for lunch and come back.

4 MR. PITTS: That's so noted.

5 (WHEREUPON, a break was taken in the  
6 proceedings.)

7 MR. PITTS: Shall we convene for the  
8 second session? Good afternoon. Are we ready? The  
9 court reporter is here.

10 I trust everyone had a good lunch, and I hope  
11 during lunch that you were able to kind of meet everyone  
12 and at least talk to some people you didn't know and  
13 make some new acquaintances.

14 The first session this afternoon is dealing  
15 with the presentations coming from the law enforcement  
16 officials, all the way from the top. And that is the  
17 state police, down to local law enforcement agencies and  
18 their officials.

19 I see there are no ladies on the panel.  
20 Gentlemen, I welcome you to the afternoon session. I'm  
21 not going to give any introductions. I will introduce  
22 them as they are called to make their presentations.  
23 They are limited to 12 minutes. At the end of this  
24 session, we'll again have questions and answers.

25 Gentlemen, I'd like for you to know that if

1 there are any parts of your report that are not  
2 presented during the 12-minute presentation, you will be  
3 able to make a written report or statement to the  
4 committee and it will be appended to our report.

5 Our first speaker for this afternoon is  
6 Corporal Dale Humphreys, who is Personnel Director and  
7 Affirmative Action Officer on the West Virginia State  
8 Police, who's appearing on behalf of Jack R. Bucklew,  
9 Superintendent of the West Virginia State Police.  
10 Corporal Humphreys?

11 MR. HUMPHREYS: Well, first I'd like to  
12 thank the commission for asking us to come here today,  
13 and I do appreciate it. Although after this morning,  
14 I'm not so sure that I feel totally safe here.

15 MR. PITTS: You are safe.

16 MR. HINTON: You'll be all right.

17 MR. HUMPHREYS: Jokingly, of course. I  
18 think we're all here for the same mission, and that's to  
19 accomplish something, and the goal is better communities  
20 in our state and more cooperation amongst each other.  
21 Now, I've seen it in the past and the present, we do  
22 have problems - I'm not here to deny that - on both  
23 sides. As a police officer, for over twenty years, I've  
24 seen many problems, and I can guarantee you it has  
25 happened. And most of the cases that you brought up

1 today are probably-- are true and I have no doubts. I  
2 doubted no one that was speaking this morning.

3           However, there is a lot of things that I'd  
4 like to say that's positive, too. There's a good police  
5 officer out there, contrary to what we heard this  
6 morning. And we all try. Sometimes it doesn't look as  
7 if we're trying because of the circumstances. You don't  
8 really realize what's on the police officer's mind when  
9 he's asking those questions, and you feel like a suspect  
10 or you feel like you're guilty before you're proven  
11 guilty. This is true. There's some that does not  
12 consider your feelings. He's considering the situation.  
13 That's no excuse for not smiling once in a while, or to  
14 be unpleasant. Sometimes the situation just does not  
15 grant that.

16           The West Virginia State Police has taken a  
17 positive approach as far as recruiting minorities,  
18 females. And this approach, we have educated our  
19 officers, we have established black recruiters, we have  
20 seminars around the country. We have been given the  
21 opportunity to go out amongst the community. Any time  
22 they feel free-- any time they feel a need to go to any  
23 community event, any public schools, any church, we have  
24 given them the go ahead. All they have to do is contact  
25 me. I will cut a special order, they're welcome to go.

1 And we encourage it. Right now, we have ten black  
2 officers. We have two that are doing our main  
3 recruiting.

4 Any job fair or community group that is  
5 asking for our participation, I do my best to have a  
6 black officer with us. I do my best to have a female  
7 officer with us. A lot of times I attend with these  
8 officers, sometimes I don't make it. Sometimes I can't.  
9 But however, we are giving a good effort.

10 We have updated our affirmative action  
11 program. It has been rewritten. It was not only just  
12 written to our desires. It was sent to the EEOC office  
13 in Washington, DC, where it was evaluated and as  
14 described by them, passes the requirements. And  
15 hopefully, if anybody is interested in a copy of that,  
16 you can pick one up in my office. I'll be glad to do  
17 that.

18 We believe in education. We believe in  
19 cooperating. And we believe in getting to know the  
20 black community. Myself, personally, I have contacted  
21 all of the NAACP offices in the state through Colonel  
22 Bucklew. I write the letters, but I send them out in  
23 his name. We have not had a class that I have not  
24 contacted any office, that I know of. If I am missing  
25 one, feel free to let me know; give me your address.

1 All of the predominantly black communities in the  
2 eastern part of the United States are contacted. By  
3 mail, we send brochures, we send posters. We notify  
4 them in advance. We give them plenty of time to come  
5 and speak to us. I have invited everybody in that I can  
6 possibly invite.

7 We're talking about all of the EEOC offices,  
8 NAACP offices, Civil Liberties, anything that you can  
9 think of. And I have a list that I go by, which I've  
10 left no one uncovered. And I don't believe that I am.  
11 I've also asked each and every one of the officers to  
12 come in and speak to me, and I'm speaking of NAACP  
13 officers, our own officers, all community leaders,  
14 community organizations. Almost all of these hears from  
15 me before we have a testing date. This is for purposes  
16 of getting in, listening to their suggestions, listening  
17 to anything that they care to discuss, anything that  
18 they might have on their minds. This is the time to  
19 bring it out. Not after the thing is started.

20 I might add that I have very little  
21 cooperation. I'm not saying that you have done this on  
22 purpose. I think it gets overlooked somewhere along the  
23 line, because I send it out at least two months in  
24 advance and sometimes you just overlook it. But I  
25 haven't heard from too many people. My door is open and

1 Colonel Bucklew's door is open. We'll be glad to work  
2 with anybody and everybody that we can to get this  
3 problem solved.

4 And like I said, I'm sure that you all have  
5 your personal problems. We all have incidents where  
6 it's happened. There's nothing I can do about that to  
7 stop what's happened in the past. But I picked up a  
8 sheet here this morning that was passed out by a lady  
9 here in the back, and I read something I thought was  
10 probably the scope of this whole thing today. It says:  
11 "If we open a quarrel between the past and the present,  
12 we shall find that we have lost the future."

13 Now, if we're going to continue to argue or  
14 continue to bring up dead horses, things that's happened  
15 in the past, we are not going to get anywhere. We are  
16 only going to get somewhere by starting now and  
17 educating our own people as to how to cooperate with  
18 each other and how to bring each other in on a common  
19 plane here to get this situation solved.

20 I am willing to listen to any of you and meet  
21 with any of you. I'll come to your office. That's what  
22 I do. I will send black officers; I'll come with them.  
23 We'll listen to anything you have to say. And we're  
24 willing to meet with your suggestions.

25 We will not lower our standards for any

1 reasons, for any group, whether it be a protected group  
2 or whether it be anyone. We expect to get the best. We  
3 have a reputation of getting the best, and we'll  
4 continue to do that. We always will. But we'll listen  
5 to anything that might help and we're asking you to  
6 bring in the best qualified applicants that you can get.  
7 We have not turned down a minority applicant that has  
8 passed our standards since I have been in personnel.  
9 That's five years. If you pass our test, most likely  
10 you will be in our class if we have room enough or  
11 enough vacancies and we can afford it. Right now, we  
12 have probably 40 vacancies, between 40 or 50 vacancies.  
13 The legislature has not give us the money to start a  
14 class. We cannot hire if we don't have the money. But  
15 if and when they do, which I'm sure they're going to  
16 have to do within the next session, or at least I'm  
17 hoping they do, we intend to do some heavy recruiting.

18 If you've noticed on TV, we have got  
19 commercials on there using a black officer and a female,  
20 minority groups. We are trying to protect the image  
21 that we want to have with everyone, and that is that we  
22 are one group, not two separate.

23 I'm probably leaving out a lot of things I  
24 should be saying, but I'm going to allow the rest of the  
25 time for questions, because I like to know what's on

1 your mind. I know what's on mine.

2 SPEAKER: You mentioned that you have  
3 about four--

4 MR. PITTS: Can we hold the questions  
5 until such time--

6 SPEAKER: He may forget what he said.

7 MR. PITTS: We are going to be in the  
8 same manner that we did this morning, so we can make  
9 sure that we get presentations from each presenter  
10 before the questions, please.

11 MR. HUMPHREYS: I'm here really to  
12 listen to your side of the story, and I'm going to pass  
13 it on now and maybe we can save a little bit of time  
14 here. I think at the end of this, I'll probably hear  
15 that. So, I will just go ahead and pass it and thank  
16 you for the opportunity to speak.

17 MR. PITTS: Thank you, Corporal  
18 Humphreys. I will now move to Gary Wade, Chief of the  
19 Huntington City Police Department.

20 MR. WADE: Thank you for the time. I  
21 started out 23 years ago in police-community relations  
22 in St. Louis, and I feel it's still 1960. I think  
23 perhaps some of the things I talked about then can be  
24 talked about today. But we are here specifically to  
25 talk about my part with the Huntington Police



1 Department, not with the State Police or not with  
2 Charleston, or not with Cabell County Sheriff's  
3 Department or other law enforcement representatives.

4 I can tell you what my goal is in the  
5 Huntington Police Department, and that is to formulate a  
6 police department within this community that is  
7 representative of law enforcement in this country. You  
8 know, I am not just proud to be a white person, you're  
9 not just proud to be a black person. I hope we are  
10 proud to be humans. This isn't 1960. I think we need  
11 to get that across to everyone in this room. That is my  
12 goal for this department. That was my goal as long as I  
13 have been in law enforcement. I have been successful at  
14 that in every step that I have taken. Not opening a  
15 door and making Huntington something brand new all over,  
16 I am going to need the commitment from within this  
17 police department, within the community, academia, the  
18 state commissions, everything. But we'll need that.

19 When I got this letter from the United States  
20 Commission on Civil Rights concerning some of the things  
21 they wanted us to talk about, I felt that the statement  
22 I'm making now needed to preempt all of this, to let  
23 people know where I'm coming from, what I want to do in  
24 the Huntington Police Department. It's not going to be  
25 done in one month or six months.

1                   Probably what I've seen since I have been  
2 here, as Arley had expressed earlier, it appears that  
3 Huntington, like others, have become pockets of not  
4 resistance, but things that have been forgotten for the  
5 last 30 years.

6                   So it's going to take some time to get  
7 through this. I don't know if I will be able to do  
8 that, the time that I will be in Huntington. But I will  
9 assure you that I will try every day to move this goal  
10 forward that I have.

11                   Status of procedures of police internal  
12 review boards and civilian review boards in the  
13 Huntington Police Department are somewhat governed by  
14 State Statute. So what we can do in the City of  
15 Huntington is pretty much endorsed and indoctrinated by  
16 the State of West Virginia as far as what code says we  
17 can do.

18                   Recently, an incident has taken place that  
19 I've followed State Statute. We'll probably end up  
20 having to go to the Supreme Court or somewhere along  
21 that line to see if I'm right or if some other  
22 opposition is right and what we want to do. But I will  
23 follow State Statute on what review boards are set up.  
24 That's the only thing I can do in this state. I would  
25 like to see some things different in the current

1 situation.

2 Another goal I have, along with this, is -  
3 not right now as short as we are, but when we are at  
4 full staff - I will probably have some sort of lobbying  
5 effort in Charleston at the legislative process, other  
6 than having the FOP or some other organization doing it.  
7 I would like to propose, certainly not in this forum, in  
8 public, to Chief Staples, but perhaps the two cities,  
9 sister cities here in West Virginia that maybe we could  
10 have some legislative efforts in kind that we could  
11 pursue at the state level to help the largest community  
12 areas of West Virginia, and we in law enforcement think  
13 needs to be helped out.

14 Procedures to file a complaint of an alleged  
15 police misconduct, procedures become developed as  
16 complaints come in, unfortunately a lot differently.  
17 I'm a new broom, I come in and I do things a little bit  
18 differently. There have been some new processes put in  
19 line. Unfortunately, we've had a lot of experience at  
20 that in the last couple of years in Huntington, I guess.

21 But currently, right now, what we're working,  
22 it's pretty much, I believe, the status quo across the  
23 country. If you have a complaint, you can come see me  
24 if you don't feel satisfaction from someone else.

25 Captain Paul Price of the police department is in charge

1 of internal affairs. We do have a process in internal  
2 affairs, one that I have confidence in right now. I  
3 don't know what was out there last year or two years or  
4 three years ago. But what we have right now, I'm  
5 comfortable with. But if it doesn't work-- and I read a  
6 proposal from NAACP, and I heard it talked about up  
7 here. I agree.

8 I certainly don't have any objections to an  
9 outside agency coming in and looking at the Huntington  
10 Police Department or looking at a specific complaint. I  
11 think any police administrator across America today will  
12 tell you, if you're not satisfied, you have to have  
13 someone like that. But that element is already in  
14 place. I don't know if it's been utilized here yet.

15 I see a lot of different horses on this team  
16 going a lot of different directions.

17 I tell people when there's a complaint, if  
18 they're not happy with what I do, or the Huntington  
19 Police Department does, they can go on to the Justice  
20 Department, Civil Rights Bureau and file a complaint  
21 there. It's the same here as it is in St. Louis where I  
22 came from. And successfully, that avenue has been  
23 allowed to be pursued by any groups of people across  
24 this country for a long time.

25 So, I say that's already in process, already

1 in the area, and I encourage people to utilize that if  
2 they don't have the confidence in the Huntington Police  
3 Department. And I understand that. I know our  
4 integrity has been questioned, and rightfully so. We  
5 are working on it daily, hourly, to strengthen that, and  
6 we will do that. We have done it. We have done some  
7 things here that haven't been done in years. And I can  
8 only tell you I think that's just not something that  
9 we're doing brand new. That's something that Gary Wade  
10 has done his whole career. I won't shovel anything  
11 underneath the table, I will not cover anything up. I  
12 never have, nor will I ever.

13 Recruitment, hiring, and promotion of  
14 minority and women law enforcement officers: West  
15 Virginia, again, the judicial system has gotten into the  
16 middle of our hiring and promotional process here in the  
17 Huntington area. I believe they have in the Beckley  
18 area, also, in some past years. But as police  
19 administrator, I take offense at that. Of course, this  
20 wasn't my hiring and promotional policy that they've  
21 had. I haven't had an opportunity to promote anyone,  
22 nor to hire anyone. But the processes that I used, and  
23 have used in the past, have been on a national scale,  
24 not a localized scale so much as what you would have in  
25 Huntington or Charleston or Jacksonville, Florida. We

1 have gone through an accreditation process, that law  
2 enforcement in general across the United States is  
3 trying to become generalized in so we don't become  
4 completely regionalized in everything we are supposed to  
5 be doing. Our hiring and promotional processes should  
6 be fair for everyone, not certain segments of groups,  
7 whether they be white, black, hispanic, or whatever.

8 Today in Huntington, we have a group in town  
9 that is validating the hiring process that we are  
10 proposing to the Police Civil Service Commission. The  
11 Cannon Associates from Pennsylvania are currently right  
12 now in Huntington doing this process. And I  
13 unfortunately-- or fortunately, will not be able to stay  
14 for the next session. I have to meet with them later  
15 on. We are moving forward in this process.

16 I could have perhaps hired people when I  
17 first got here. But I was not happy with the process  
18 that was set in place already, because I didn't think it  
19 was fair, one; it wasn't representative of law  
20 enforcement in this country, two; and three, the problem  
21 would have gone right back in the court system and moved  
22 back to ground zero. I don't like to move back forward.  
23 If I've got to sit somewhere for a while where I can  
24 formulate a plan and get it in motion that's going to be  
25 beneficial to all of us, then I will do that. That's

1 what we've been doing. That's why we're trying to get  
2 this process now.

3 Same as with promotions. We were successful  
4 in this last effort here with Judge Egnor's court not  
5 long ago to get a new promotional system through,  
6 hopefully through the Civil Service Commission. We'll  
7 know that within a matter of a week or two, we believe.

8 But still, the last officers promoted  
9 underneath that system will have to compete for that  
10 test again. That's not really fair.

11 But what they've done is, they've taken it  
12 out of the control of the administrative arm of the  
13 police department and put it in the judicial system's.  
14 That's why I have fault with the hiring and promotional  
15 systems here. That will be an area that I will work  
16 legislatively wise for our efforts in Huntington.

17 Multi-cultural sensitivity training in law  
18 enforcement officers: we have briefly, not even  
19 scratched the surface on that in the Huntington Police  
20 Department. We'll have to do more on that. But, you  
21 know, this is 1960 again when I'm talking to this crowd.  
22 The area I'm from in St. Louis, we learned from our  
23 mistakes in 1960, and that became an element of basic  
24 raw recruit selection and training in the police  
25 academies in St. Louis. You don't start at it with your

1 supervisory level of people. You have lost it. You  
2 better start when you recruit, your sensitivity  
3 training. Know what you're getting and train them.  
4 Have in-service training annually, all on the same  
5 lines. We'll do that starting with our next class. We  
6 will have sensitivity training with the rest of the  
7 police officers we have. But it will not be as  
8 beneficial as the new ones starting out will be. That's  
9 a process that we're going to have to go through in  
10 Huntington, like it or not. It's the only way it can  
11 happen. If I can hear a different suggestion from that  
12 when this panel is finished, I'd love to hear it. I  
13 don't know of any others that can happen until the  
14 process of elimination is completed.

15 Community assistance necessary for effective  
16 law enforcement: I think we have a pretty good built-in  
17 community assistance group in Huntington. There's a lot  
18 of different groups out here. A lot of dialogue that  
19 goes back and forth. I see, unfortunately not a lot of  
20 dialogue that is listened to, either from law  
21 enforcement or from a community aspect. I sat in this  
22 room here today and listened to the first part of this  
23 topic, and I heard what I would agree with probably  
24 almost 100 percent. Problems, no question.

25 The Fawn Oakley shooting, a disaster, a



1 tragedy, yeah we screwed it up. And I've said this  
2 before. And I said the following day, not a month  
3 later, that I came out and apologized to those young  
4 men. It wasn't a month later. It was the next day I  
5 apologized to them. And we are still currently working  
6 on that situation. We won't close that case. I hope  
7 we'll get it to a conclusion. I will do everything  
8 possible for this community to solve that crime. How  
9 many of those do I get?

10 MR. PITTS: One.

11 MR. WADE: One. One other thing,  
12 please. Like I said, we heard a few things this  
13 morning. I agree with just about everything that was  
14 said. We have got to get the perceptions across to one  
15 another that we all believe. I know this lady back  
16 here, I like her, I respect her, I've been to several  
17 meetings with her.

18 But the Miami Vice attitude that came out of  
19 that meeting, we don't have machine guns in Huntington  
20 Police Department cars. I've got them in a thing down  
21 here, in a safe locked up in my office. I don't have 15  
22 or 20 police cars on the street. By God, I wish I did.  
23 I wouldn't have half the problems I've got right now.  
24 We are running nine cars on the street.

25 And I sympathize-- I told you I would look

1 into that and I will. But it's the perception that left  
2 this room, was here's the Huntington Police Officer with  
3 a machine gun laying across the car, 20 cars surrounding  
4 the people out there. I know a lot of bad things have  
5 happened. I'm not putting down from that. I agree with  
6 what took place up there was terrible. Let's not  
7 heighten the perceptions of what took place. I know  
8 there's problems and I want to work on them.

9 I'm sorry I took over. I'm not a reverend,  
10 but sometimes I speak too much, too. Thank you very  
11 much.

12 MR. PITTS: Our next speaker is Dallas  
13 Staples. Dallas is the new Chief of Police in the City  
14 of Charleston, West Virginia, finest and largest.

15 MR. STAPLES: Thank you, Mr. Chairman.  
16 I'd like to thank the committee and the commission for  
17 inviting me here today. There are five things that were  
18 on the letter that I received from the commission that  
19 they wanted us to respond to. I will briefly touch on  
20 some of those that I feel that are important to this  
21 forum. And I think that from one of the things that I  
22 heard this morning from the community group that was  
23 talking about what Huntington and other cities were  
24 looking for and, I think, that the increasing numbers of  
25 Afro-Americans in law enforcement. So recruitment would

1 have to be one of the high points or one of the things  
2 that I would like to touch on briefly.

3 And I think that what has made our  
4 recruitment a fairly successful recruitment in  
5 Charleston is that we had initially a strong statement  
6 from the top. I mean, it's very easy to send letters to  
7 this group and letters to this group and ask them to do  
8 that. But if you don't have a commitment from the top,  
9 who's asking for assistance from these groups, then it's  
10 not going to be effective. Because what you're dealing  
11 with is years and years of disappointment. So there has  
12 to be a strong, strong statement from elected officials  
13 saying this is what we're going to do.

14 And we made it very clear with our consent  
15 decree. Not that we had a consent decree, but what the  
16 terms of that consent decree and how it affected  
17 Afro-Americans, and that you could ask to be on a  
18 priority hiring list, and yes, it was extreme. And yes,  
19 there were persons that felt that it was reverse  
20 discrimination.

21 But after years and years of discrimination,  
22 I think you have to take some extreme measures to bring  
23 about some equality. You can't just say, well, we're  
24 going to play equal now. You can't just make a general  
25 statement that we're going to be an equal opportunity

1 employer.

2 Well, how are you going to be an equal  
3 opportunity employer? You have to spell it out. You  
4 have to elicit the assistance of the very community that  
5 you're recruiting. And if you're recruiting from the  
6 black community, then you have to solicit from the black  
7 community the assistance to develop an effective  
8 recruiting plan, with statements of what you will do.  
9 And that is what we did.

10 One of the things that made it a successful  
11 recruitment, we involved-- not just sending our officers  
12 out, our black officers out without any power. It's  
13 easy to send a person out, but if they don't have the  
14 power, then they become merely conduits. They can only  
15 come out and then come back-- and if you ask a question,  
16 they can only come back and ask-- they tell you, well, I  
17 don't know. I have to go back and get the answer for  
18 you and then come back. We empowered them with the  
19 authority to say, this is what the City of Charleston  
20 will do, and this is what we're going to do, and that is  
21 how it's going to be done.

22 So, I think if you expect things from your  
23 recruiters, whether they be black or white, you have to  
24 give them some authority to voice something that has  
25 been policy made from the top. The top have to say this

1 is what we are going to do.

2 As a recruiter with no rank, I can't say what  
3 the mayor is going to do and what the governor is going  
4 to do or what the county commissioner or the sheriff is  
5 going to do. They have to say that. And to prove it to  
6 you, I'm sending my people out with the message.

7 So, that's what made our recruitment  
8 effective, and the fact that we have some terms of a  
9 federal consent decree that mandated that this be done.  
10 But I think it could be done without consent decrees, if  
11 the top is willing. And you have to prove to the people  
12 that you're willing and that this is done in earnest.  
13 You can't just say, well, we're going to do this. It  
14 has to come from the top. There has to be a statement  
15 from the top.

16 So that's what-- you know, if you're talking  
17 about recruitment, you can talk about all kinds of  
18 recruitment programs. But if you don't have something  
19 positive from the top to create an atmosphere that  
20 people want to invest in something, then it's not going  
21 to work.

22 We do the same for business. If we want to  
23 attract business to an area, we make that conducive to  
24 attract business to want to invest in this area. So the  
25 same goes with the job. You have to create an

1 atmosphere that's conducive, that people want to learn.  
2 We can't rely on old myths and wives tales about  
3 lowering standards. You know, that's a famous cop-out  
4 that law enforcement agencies across the country use as  
5 an excuse not to hire Afro-Americans, because we're  
6 lowering the standards. At the same time saying that  
7 those qualified Afro-Americans choose to seek employment  
8 elsewhere, but yet we represent the highest numbers on  
9 unemployment rolls. Then I say that, where are the  
10 qualified whites going? Aren't they not seeking better  
11 jobs? Then what do we have as representatives on our  
12 police departments? We have got some unqualified  
13 whites, then, isn't that what you would say?

14 So that's what we have to look at when we  
15 start making these type of statements about recruitment,  
16 about lowering standards. Yes, it's very easy-- you  
17 know, when you talk about testing instruments. I mean,  
18 every educational institution in this nation has said  
19 the standardized tests are culturally biased. So we  
20 need to look at that. We need to-- we need to not only  
21 look at testing instruments, we need to look at  
22 inclusion. Inclusion means including the African  
23 American community in the testing process, in every  
24 process, of either monitoring or being involved with  
25 developing a recruitment and hiring plan. And I think

1 you eliminate these type of things. You don't have to  
2 go out and search for someone to come in to tell you  
3 something.

4 I think if you involve people and keep them  
5 involved and keep it up front and keep your African  
6 American officers involved in developing recruitment and  
7 promotion plans, and keeping people that are going to be  
8 involved in developing these plans, then you eliminate  
9 these problems. You eliminate these problems.

10 And that's what we're going to continue to do  
11 in Charleston. We're not going to have these problems.  
12 You know, I sit and wonder, when will West Virginia come  
13 out of the dark into the light?

14 As Chief Wade said, this is 1991, and we are  
15 discussing things that other people have accomplished 20  
16 years ago. And here we are today. You know, it's  
17 frustrating to me as an Afro-American to have to keep  
18 coming and talking about something that affects me and  
19 affects people of color. You know, we have leadership  
20 conferences every year, and we develop concerns and we  
21 send them off to administrators, only to come back next  
22 year to do the same thing, because they apparently go on  
23 deaf ears.

24 But as far as recruitment, I don't want to  
25 spend all my time-- I want to touch on some of these

1 other things. But as far as the status of procedures  
2 for internal review, we have that in Charleston. We  
3 have a review board for officers' misconduct, which an  
4 officer has an opportunity to have a review board from  
5 his peers, and then they make recommendations for any  
6 type of punishment, and that punishment, the Chief of  
7 Police has the authority to either accept that  
8 recommendation or to mete out his own punishment.

9 As far as the community assistance, that's  
10 one thing I think is important in community relations.  
11 I heard, this morning, a lady talking about a police  
12 precinct that in effect she lived next door to it that  
13 no one knew. We have a police precinct in a public  
14 housing community in Charleston. Now, we've had it for  
15 some time, and it's very effective. But I can assure  
16 you that the officers that staff that know everyone in  
17 that community. And they have to tell the kids they'll  
18 be back. They're there all the time talking to them.  
19 But it's community-style policing, something that the  
20 Charleston Police Department is currently developing  
21 with the help of the community.

22 We have solicited the help of the Women  
23 League of Voters to chair, an advisory board and a  
24 committee to help develop and implement a  
25 community-style policing philosophy for the Charleston



1 Police Department.

2 And it will be developed-- that plan will be  
3 developed with the community's assistance, with a large  
4 assistance from the community developing how we will go  
5 from phase to phase, which we'll be looking at a four-  
6 to five-year plan for how we're going to implement  
7 community-style policing. And that simply means getting  
8 out and knowing the community, knowing the people that  
9 you serve. Law enforcement has got to stop being just  
10 the servants of, but they have to become part of the  
11 communities that they serve. To be effective, they have  
12 to be part of the community.

13 Many of us live and grow up in those  
14 communities, so we have to be part of the community. We  
15 have to work, we have to forge partnerships. If we  
16 forge partnerships to address drug problems or crime  
17 problems and we forge this partnership with the  
18 community to develop plans or strategies, then the  
19 effectiveness of those plans are going to be really  
20 strong, because the community is going to have input.  
21 And then when they don't-- are not as successful, then  
22 the community shares in that success, and they share in  
23 it when it's not successful. So we come back together  
24 and continue to work and be flexible and develop things  
25 that will work.

1           And I think that most police departments are  
2 becoming more community-oriented. People want to tear  
3 down the barriers of glass and air conditioners, and  
4 police officers going so fast through their communities  
5 that they can't tell whether they're white or black.  
6 They don't know how many officers they've got on the  
7 department because they're going so fast, and they look  
8 straight ahead. They never stop once and speak and say  
9 hello, how are you.

10           I demand from each of my command officers,  
11 from captains, lieutenants and sergeants, they give me  
12 two hours a day on the streets in uniform. Now, they  
13 can wear their suits to work, but they bring a uniform.  
14 And they give me two hours a day and they get to know  
15 the business community and they're going to get to know  
16 the residential communities, but they're going to get to  
17 know the people. And we are going to-- we're going to  
18 work, not to react to problems, but we're going to work  
19 with the community to prevent problems. And that's the  
20 key.

21           If we're going to talk about prevention-- I  
22 mean, I can send anybody to take a police report.  
23 Anybody can do that. I don't need a sworn police  
24 officer. I can take a civilian and send them to take a  
25 report after something has already happened to you, and

1 not be sensitive to that. We need to be sensitive to  
2 work with the communities to develop partnerships to  
3 know one another, tear down those barriers.

4 We're going to start with the help of the  
5 Department of Justice Community Relations Service. We  
6 are going to start a survey. We are going to do a  
7 survey in Charleston. First survey is going to be done  
8 with the police department. We're going to clear up  
9 some perception gaps that we know exist in the police  
10 department. Because, number one, I've got to know if  
11 this officer perceives the job the same as this officer.  
12 I've got to clear up some perception gaps within the  
13 department. And then I've got to do a survey with the  
14 community to find out where the perception gaps lie in  
15 the community. How does the community perceive what law  
16 enforcement should be doing? There definitely has to be  
17 a perception gap. That's one of the services that we  
18 use, is the Community Relations Service in the  
19 Department of Justice. Which I have the number if any  
20 of you are interested in, who come in and mediate  
21 community disputes. Thank you.

22 MR. PITTS: Next is Jerry Hutchinson,  
23 Jail Administrator for Cabell County.

24 MR. HUTCHINSON: That's something to  
25 follow after Dallas. I think you done some preaching,

1 too, Dallas.

2 First I want to thank you for having me here.  
3 I'm here representing the sheriff, who's out of town on  
4 vacation. I know how he feels and I'm sure he'd want to  
5 be here.

6 Over the last two years since he's been in  
7 office, some of the things and programs that we've put  
8 in, I feel-- even though I'm at the jail, it affects all  
9 members of the community. We definitely have an  
10 Affirmative Action Program that we have, now. We have a  
11 black female lieutenant who's in charge of that. We  
12 have a force policy we now have put in, and we don't  
13 wait until we get a complaint if something happens in  
14 the jail. If it happens, we investigate it then. You  
15 don't have to come back three days later to us. I want  
16 a report made any time any type of force is used so that  
17 we can immediately look into it. We try to keep this on  
18 a daily basis so that we don't have problems in the  
19 future.

20 Right now, we are actively recruiting also.  
21 Our biggest problem is, as probably most of you in the  
22 community know, is low salaries for correctional  
23 officers. It's very difficult when we're starting at  
24 \$900 a month to get people there to go to work. We're  
25 definitely trying everything possible. I've sent out, I

1 think, probably about one hundred and some letters in  
2 the black community asking for your support. We need  
3 people.

4 If you're here and you know someone who's  
5 looking for a job, send them to see me. The test will  
6 be June the 1st, so this gives them some time to do some  
7 studying, but I need people there now.

8 We are actively, always looking. Our  
9 testing, we follow the State Civil Service exam, and I'm  
10 sure there can probably be improvements on it. But it  
11 has worked in a sense. It's probably not as  
12 sophisticated as the McCann test and some of the other  
13 ones, but the upper mobility has been good. Two out of  
14 our three shift commanders are females. One of them is  
15 a black female. Our assistance shift commander on the  
16 night shift is a male, black male.

17 So upper mobility in the department is  
18 working. And I'm sure the sophistication of the test is  
19 not nearly as good as many of the other ones, but it is  
20 working. And I think the policy - and I agree with  
21 Chief Staples - you have to have the policy from the  
22 top, we're going to be fair. I think that's what we're  
23 trying in every way possible to do.

24 We want people to come into our department.  
25 We want people to move up in our department, and we're

1 not concerned about color. I really don't even-- it's  
2 not even thought about. What we want is people to take  
3 charge and move up, and I think that they're doing that.  
4 There's a lot that we need-- we're going to learn.  
5 There's a possibility, as something Chief Wade said, you  
6 know, there's something new every day. We are trying to  
7 learn. It's not-- nobody knows all of the answers. But  
8 I think that you'll find that we're trying to run a good  
9 jail. And I think you've already seen over the last two  
10 years the security, that alone, how we've tightened up.  
11 I'm sure some of you that were here before knew all of  
12 the escapes and everything that happened.

13 So, I think it's good management. I think  
14 there's a lot for us to learn. But, hopefully, we'll do  
15 better and we hope gradually that those salaries will  
16 come up and we can attract more people. If you know  
17 people, send them to me. I'm certainly interested.

18 Thank you.

19 MR. PITTS: Thank you. Next we have R.  
20 Michael Mangum, Sheriff of Raleigh County.

21 MR. MANGUM: Thank you for having me  
22 here today. I've sat here all day. My head is sort of  
23 spinning thinking about all of the things I've heard on  
24 the first panel. And like the other speakers say, I can  
25 almost agree whole-heartedly. I hate to tell you I'm

1 probably the oldest guy on this panel. But I'm going to  
2 have to tell you to help my story along.

3 Thirty-three years ago, I was a street  
4 officer in Durham, North Carolina, in the '60s, when we  
5 were having these riot problems. And I received a call  
6 to go to a local restaurant about a block from the  
7 courthouse, that the owner who was an elderly man was  
8 holding a twelve-gauge shotgun on Dr. Martin Luther King  
9 and a group of students from New York, I think it was.  
10 And I approached that shotgun very cautiously, and he  
11 surrendered the gun, and eventually just locked his  
12 business and never opened again. But the irony of the  
13 story is, he opened about two or three weeks later in a  
14 black community with a take-out business and probably  
15 became a millionaire. But he would not let people come  
16 in and sit at his counter. It's so strange why we act  
17 the way we do.

18 I remember the white and colored water  
19 fountains, I think is how they used to be labeled, at  
20 Walgreen's and Woolworth's and all those department  
21 stores, riding in the back of the power company buses.  
22 And I grew up with all this in law enforcement. I've  
23 been in it 33 years; starting my 33rd year.

24 I've taught police community relations for  
25 seven years in community colleges, and the things Ms.

1 Reynolds said this morning, she's absolutely right.  
2 Manners. We can have manners when we can't have the  
3 most expensive education and training. But we have to  
4 learn. And in the police field we do try to train  
5 officers in this. But we need more sensitivity  
6 training, and I recognize it more and more every day  
7 now. We need to teach these officers, who a lot of  
8 these young officers never really dealt with black  
9 people, and they come in and their perception, as Chief  
10 Staples was saying, of facing this black person, not  
11 realizing that black and white, we all have feelings, we  
12 all are insulted, we all hurt, we get up the same day,  
13 we've got the same problems trying to make money to feed  
14 our families and things like that. We have to train  
15 these guys that you don't have to be afraid to face one  
16 on one with a black person anymore than you do a white  
17 person. I think we overreact sometimes because we are  
18 not trained sensitively towards black people. It's a  
19 fear there that exists.

20 We know what we have to do, and I think we  
21 try to do those things. I think maybe we need to do a  
22 little bit more in the training end and the education.

23 My main problem, I guess, as a sheriff, is a  
24 little different from the City of Huntington and also  
25 from Charleston. We function under what we call - as



1 far as recruitment and promotions go - we function under  
2 a West Virginia State Code, that's 714, and it goes on  
3 and on, which sets out to tell us exactly how we can  
4 hire and how we can promote. And effective June the  
5 6th, I believe it is, legislation just passed in the  
6 last session, every county in West Virginia, no matter  
7 what your population as far as county law enforcement,  
8 fall under this Civil Service Code.

9 What we need to do, and I recommend to this  
10 commission and also to the people in the community that  
11 have some contact with the legislators and senators and  
12 whatever, we're going to need to take-- and take a  
13 sheriff's look at the West Virginia Code, Civil Service  
14 Code, because no matter how many increase in the black  
15 job market, I'd like to have-- I'm dictated by code that  
16 I have to give a test, the Civil Service Commission  
17 gives a test, then we're presented with a certified  
18 list, and we take the top three names. We are not  
19 talking about any way to deviate from this. It's code.  
20 You take the top three names and you pick one, try to  
21 pick the best one. Every police administrator wants the  
22 best policeman they can get, policewoman that they can  
23 get. And then automatically, they give you one more  
24 name for your second hiring. So you've got the same two  
25 you just passed over, plus one additional. And if the

1 black population is not up in the top part of that list,  
2 you never get your numbers up. And that's the way the  
3 code dictates.

4 It's a misdemeanor not to follow that law.  
5 No matter how much pressure you get from administrative  
6 boards, like the Civil Service or local groups, you  
7 can't deviate from the code. It's the same way with  
8 promotions. You give tests, and you promote people who  
9 are on that particular list. And it tells you how to do  
10 that. And if you vary from it, you're in violation of  
11 the code.

12 This is my sixth year as sheriff, starting  
13 the seventh year. I hired a black deputy with a  
14 Master's Degree in criminal justice. Within a week of  
15 the time I hired him, one Wednesday morning before  
16 Thanksgiving, I walked in and I saw about three or four  
17 TV crews on the parking lot and I wondered what in the  
18 world was going on in the courthouse. As I got to my  
19 office, it was in my office it was going on. I had been  
20 charged by the president of the Civil Service Commission  
21 with hiring a black illegally. I was not charged  
22 administratively, I was charged criminally. And I had  
23 to go and post a bond and go to a hearing and everything  
24 else. And in the end, I won, because I had followed the  
25 procedures. And I even won in a civil action after

1 that. But the point is, I hired a black with a Master's  
2 Degree who was very qualified, but somehow, I was  
3 perceived as doing something wrong. But, you have to  
4 follow the law.

5 That's what I'm trying to say, no matter how  
6 much I'd like to have five or six additional black  
7 people working on patrol, I am not dumb enough not to  
8 follow the law. I mean, I have to do that. And I have  
9 a hard time conveying that message to people. They  
10 think that I'm acting contrary as administrator.

11 I have been very fortunate in the civilian  
12 ranks of the sheriff's department. I had ten females  
13 working in the tax office-- well, I had twelve working  
14 there when I came. I now have ten. Out of the twelve,  
15 we had one black female in the tax office. That's a  
16 very good job. It's Monday through Friday, 8:30 to  
17 4:30, all of the benefits, closed holidays, fairly good  
18 pay. I now have five white females and five black  
19 females working up there, and I made inroads in that  
20 area. But I can't do that with Civil Service because of  
21 the guidelines and the way that test list follows. The  
22 list is good for three years when you take a Civil  
23 Service test unless it expires prior to that, and you  
24 have to hire from the top to the bottom.

25 I have had a little bit of trouble in

1 recruiting black deputies. I hired one that was--  
2 another one that was an excellent choice, issued him all  
3 of his uniforms, had him report to work, and the night  
4 before he reported to work, he called me. He said, "I  
5 just can't do this." He said, "I'm not going to survive  
6 in my neighborhood as a police officer." So there's a  
7 lot of things-- he felt threatened in his own  
8 neighborhood.

9 Sherwood and I were talking earlier, he would  
10 have been an asset in that particular neighborhood. We  
11 needed to have some representation of law enforcement,  
12 but he just didn't want to pay the price that he would  
13 have had to pay; and I can understand.

14 We have lost-- I've hired-- I have one black  
15 patrolman now. I had another one leave me and go with  
16 the city because of better benefits, having his own  
17 personal car and things like that. So you can't really  
18 keep your numbers up a lot of times, even though you'd  
19 like to. I mean, I recognize the need, I'd love to have  
20 five or six black deputies working in Raleigh County,  
21 and I think a lot of other sheriffs would.

22 So what we need to do is approach the  
23 legislation. If they just add or amend that law in some  
24 way to give us an opportunity, if they see fit, to bring  
25 it up and work on this problem so we have more blacks in

1 uniform in the County Sheriff's Department.

2 As far as promotions go, another flaw in the  
3 Civil Service law - and I don't mean to keep sliding it  
4 over to the legislature - but if you're calling for a  
5 promotions test and you want to promote a captain, a  
6 lieutenant, sergeant and a corporal, the same test, the  
7 same contents in the test goes to all four of these  
8 guys. A captain, a guy that's trying to be a captain,  
9 he's taking the same test the corporal wants to take.  
10 Something is bad wrong in our system when you're not  
11 looking for more from a captain than you are from a  
12 corporal. I think there should be different tests for  
13 different ranks. I've said this for the last five or  
14 six years, every time I get a chance to communicate with  
15 the Civil Service, it doesn't give you anything to  
16 develop the responsibility in those leaders that you  
17 need.

18 Training, we spend big bucks on basic  
19 training in the State of West Virginia. After we get  
20 them out of 14 weeks, we leave them out there for 20  
21 years with eight hours of in-service. We should spend  
22 big bucks after basic training for the next 19 years to  
23 make sure that they are perceiving what law enforcement  
24 is all about.

25 We do 85 percent service - and I think that's

1 what Chief Staples was getting at - and 15 percent law  
2 enforcement. That's about what it is, if you could  
3 divide it up. You're out here helping people doing  
4 something that they think needs to be done rather than  
5 putting people in jail. I'm happy about that,  
6 especially in West Virginia. We don't have any jail  
7 space anyway. You kind of hope nobody really bothers  
8 anybody, maybe except drunk drivers or something, and a  
9 few drugs, things like that.

10 But we have to pay attention to the code, the  
11 present code, before we step over the boundaries. I've  
12 learned a lot today. And I could have very well  
13 delegated, but I thought I'd better come up here and  
14 take the heat and see where our real problems are. And  
15 I thought I'd take our delegation from Raleigh County.

16 We're very fortunate down there. I don't  
17 think we have some of the alleged problems, or they're  
18 not as highly visible, you know, as some of the people  
19 have related today. If anybody sees Ms. Reynolds, I'd  
20 like to personally apologize to her for that police  
21 officer's conduct. But he may have been having a bad  
22 day. And she's absolutely right, it would be nice if we  
23 said good morning and treat people, you know, with  
24 respect. And we do want to work and earn respect. I  
25 think there's a lot of good police officers out there

1 who thrive on 20 years in the job and making people feel  
2 good about what they're doing as a group. Thank you.

3 MR. PITTS: Thank you. Our next speaker  
4 is Sherwood Brown, a former deputy sheriff of Raleigh  
5 County. As a matter of fact, he worked under Sheriff  
6 Mangum's administration, and is now the President of  
7 Black Law Enforcement Community of West Virginia.

8 MR. BROWN: I want to thank the  
9 commission for having me on the panel. I wanted to  
10 maybe bypass the first two statements here, concerning  
11 the internal review board and alleged police misconduct.  
12 Those are usually filed with, like Dallas said, with the  
13 chief of police or with the sheriff's department, it's  
14 usually filed with the sheriff or with the Civil Service  
15 Commission.

16 I want to get down to number three, the  
17 recruitment, hiring, and promotions of minority and  
18 women in law enforcement. I think maybe the state  
19 police is upgrading their hiring policies, but I think  
20 this is almost a disgrace to have 545 troopers and only  
21 ten black troopers on there. One black trooper of rank,  
22 which is a sergeant, ten white females, and also no  
23 black females. And he mentioned about lowering the  
24 standards. That's not what, basically, the black people  
25 are asking you to do. We're not asking you to lower the

1 standards. What we have found is those blacks who take  
2 your test with high standards are also denied in some  
3 kind of way being recruited with the state police.  
4 You've got your case right now which is with the NAACP  
5 filed in Federal court stemmed from that. A young man  
6 who took the test probably-- I think he made the highest  
7 score anybody ever made with the state police, and yet  
8 still he was turned down on the aptitude test. That's  
9 where that suit started from.

10 We want to talk a little bit about  
11 promotions. One of the problems with promotions is that  
12 nine times out of ten, you will find, just like I listed  
13 here with the state police, one black sergeant. He has  
14 a Master's Degree. You're not going to find many black  
15 people, or many people, period, with a Master's Degree  
16 wanting to be a police officer. They usually can find  
17 better jobs. And that's basically one of your problems.  
18 And that's what you're asking for, out of the black  
19 people in their community, is that we want your best,  
20 the top, we want these guys with the Master's Degrees  
21 and PhDs, and can't get those guys. Those guys are  
22 going on to something better because that salary is a  
23 little bit too low for them. You're going to have a  
24 problem there.

25 Basically with the Beckley Police Department,



1 same thing, 32 officers, three blacks, one on the  
2 detective bureau, one white female, no black females, no  
3 blacks of rank. They've got officers that have been on  
4 there 17 years, yet still either can't pass a promotion  
5 exam or were bypassed on promotions. That's the same  
6 thing that is happening not only with the state police  
7 and the city police, also with the sheriff's department.

8 I've got a suit right now pending before the  
9 courts that's been pending since 1975. I have had four  
10 hearings before the Civil Service Commission, which did  
11 a thorough investigation, finding race discrimination  
12 and denial of promotion but yet, still, you can't get  
13 past the Civil Service and it's now sitting waiting in  
14 the circuit court to be heard. That's another one of  
15 the problems that we have in recruiting black officers.  
16 And you're going to have that problem until you upgrade  
17 your department to where that you can hire black  
18 officers and give them equal treatment.

19 Let's go to harassment. One of the main  
20 things, after being a black police officer. Say you're  
21 hired and you're on the department, number one thing is  
22 that harassment, not from the public, people would  
23 think, well, Joe Blow public out there is harassing.  
24 That's not your problem. In fact, I think I got along  
25 better with the public. My problem was the department

1       itself. When I went out on patrol and answered a call,  
2       my first thought, was I being set up by the department.  
3       If I make a mistake, if I happen to make a mistake,  
4       regardless of how small it is, the department is going  
5       to be the first one to come down on me to get rid of me.  
6       I've experienced that in my 17, going on 18, years with  
7       the law enforcement department of Raleigh County  
8       Sheriff's Department.

9                       Basically with females, with the Raleigh  
10       County Sheriff's Department in the last-- I think we've  
11       got less blacks in that department than we've had in the  
12       last 15 years. In 1968, it started out, a sheriff named  
13       Ziney French who right off the bat, when they talked  
14       about they were, having a hard time hiring and finding  
15       black officers and black people to hire, Ziney French  
16       went in with four black officers, right off the bat.  
17       But other sheriffs say they can't find them. From that  
18       point on, after he went out of office, the black  
19       officers started to go down from that point, and we are  
20       down to one. I've got to give Mr. Mangum credit, that  
21       he has tried to hire black officers. He's hired, I  
22       believe, was it four?

23                       MR. MANGUM: Five.

24                       MR. BROWN: Five in his administration.

25       But the problem is no opportunity to advance. The

1 chance of every being promoted to captain or lieutenant,  
2 or whatever, he knows once he gets on the department, he  
3 can see that's not going to ever happen. So, those  
4 officers that you hire that's got those college degrees  
5 are not going to stay there, because they see they're  
6 not going to be able to advance. Even a lot of whites  
7 won't stay because of no opportunity to advance.

8 And the harassment part of it, like I said -  
9 I don't want to keep repeating myself - but that's the  
10 bottom line. The 90 percent of-- you find 90 percent of  
11 the black officers who have been promoted to lieutenant  
12 and sergeant had to go through the court system. Same  
13 thing with Charleston, had to go to court to have it  
14 done, forced. It wasn't done voluntarily. It was  
15 forced on the department to go ahead and promote blacks  
16 to the position they should be at.

17 Now, let's talk about community effective--  
18 community assistance necessary for effective law  
19 enforcement. I found, as a deputy sheriff, when the  
20 Civil Service Commission also forced the sheriff to put  
21 me on the road as a road patrolman-- see, when we first  
22 went under Civil Service, I was one of the first-- one  
23 of the first deputies hired when we first went under  
24 Civil Service. But when the new sheriff came in, he had  
25 four black police officers. I was the new one coming

1 in, so I remained in the jail. And the statement was,  
2 as long as he was sheriff that I would remain in the  
3 jail, because he had more black officers out there than  
4 he needed.

5 From that point, the Civil Service Commission  
6 forced him to put me on the road. And then when they  
7 asked him why, he said, "Well, I just don't have  
8 anywhere to work you." Mainly that I couldn't work in  
9 the white community. So when he was forced to do that,  
10 he put me in an all white community, which we called the  
11 Clearfork area. I think one black family lived in that  
12 area.

13 My policy was then, to be a law enforcement  
14 officer to know the people. The first thing I did, I  
15 stopped at everybody I seen on the road at every store  
16 and I got to know these people. And from that point, I  
17 got a good community relationship from those people. I  
18 got protection even from my own department. When there  
19 were times when I was probably going to be set up by the  
20 department, they would come and warn me, "you better  
21 watch out, this thing is going down." In fact, all of  
22 you don't know, in 1979, I was hired and fired three  
23 times by the same sheriff, and put back to work by the  
24 Civil Service Commission. Finally the sheriff just give  
25 up and said, "Just let him go on to work. Let's put him

1 back down in Clearfork where he will be away from the  
2 department and everybody." That's where I stayed the  
3 whole time that he was sheriff.

4 It wasn't until Claude Dean took office they  
5 changed my shift from day shift to night shift, and at  
6 that time we were working with two men in the car.  
7 That's where the experience come in and where it helps  
8 you in your community and in your black or white  
9 community. I worked with a white deputy for four years.  
10 Our approach when we went to answer the complaint in the  
11 black community - I never will forget the first  
12 complaint we answered - he was nervous, afraid he was  
13 going to have trouble. And then when he got in there  
14 and we got to meet the people and talk to the people, he  
15 said, "I didn't know these people would do that." They  
16 agreed to help him if at any time he had a problem, let  
17 them know and they would come out and give him all the  
18 support he needed. It just took that one instance where  
19 he could go into the black community with another black  
20 officer, feel free to go ahead and do his job and not to  
21 have any fear. That's where the problem is. That's  
22 where it's at. That's what it's going to take to change  
23 with black police officer-- with police officers working  
24 in the black community.

25 Those two-man cars, that's what you need,

1 with black and whites working together and then getting  
2 the better understanding out of what black people are  
3 all about and what white people are all about. And  
4 you'll find out in the end, they're all about the same  
5 thing. There's no difference in any of them. So,  
6 that's basically where we're at now.

7 I want to leave a little time here for the  
8 Reverend Robert I. Brown to make some remarks. He's on  
9 our Civil Service Commission. He has been on there for  
10 the last four or five years now.

11 I do want to make one other statement about  
12 the affirmative action plan which we have installed  
13 within the Civil Service Commission. Back about two  
14 years ago, the NAACP, it was on a suit I had filed with  
15 the West Virginia Human Rights Commission on promotions,  
16 and that three-time firing back in '79, they finally got  
17 around to it ten years later. And we had a Human Rights  
18 Commission to draw up an affirmative action plan. And  
19 by settling their-- the first part of the promotion out  
20 of court, I asked that the Civil Service Commission  
21 install that affirmative action plan into their rules  
22 and regulations. At that time, I basically had a  
23 favorable Civil Service Commission. I had two people on  
24 there that was-- that would-- knew the problem. They  
25 had-- Reverend Brown and James Foster had lived with me

1 through that harassment, that whole time of harassment  
2 up to 1985, when James Foster was on the department.  
3 And they knew the harassment. When they read that plan,  
4 they said, this is a good plan. Let's try to work with  
5 it.

6 And mainly what it is asking, is that the  
7 sheriff hire nine percent black on his department. If  
8 he's got 32 or 34 deputies now, that means he only had  
9 to have three deputies. There's a clause in there  
10 asking dismissal of any officer, any ranking officer,  
11 who was found guilty of harassing any, not only black  
12 officer, but any other officer. If he was found guilty  
13 of it, he would be dismissed by the commission and the  
14 sheriff himself.

15 I don't know whether the sheriffs would have  
16 a problem living with that, but I think our Civil  
17 Service Commission right now is on the verge of taking  
18 that out of their rules and regulations because they can  
19 take them out and put them in and take out what they  
20 want to and put them in. So, we are right now in limbo  
21 with that. We are working with the Civil Service  
22 commission. And I'm finished.

23 MR. PITTS: Thank you.

24 MR. BROWN: I used up all my time, I'm  
25 sorry, Reverend.

1 MR. PITTS: We are now at that point in  
2 time. If we can have questions and answers to this  
3 panel.

4 SPEAKER: This question is for the chief  
5 of police for Huntington.

6 MR. WADE: Yes, sir.

7 SPEAKER: My name is Constance Burke,  
8 and I represent West Virginia University. You were  
9 discussing multi-cultural sensitivity training and  
10 discussing the different ways you intend to implement  
11 it. I heard the last part. Would you please reiterate  
12 what I heard in the area of multi-cultural sensitivity  
13 training, and how you plan to implement it?

14 MR. WADE: I think what you're referring  
15 to is, I said I believe it needs to go much further than  
16 what we had already done, and that is: we had our  
17 command staff sit in just a very small eight-hour block  
18 of classes for multi-cultural sensitivity training.

19 Our intentions are to indoctrinate that style  
20 of training both on our recruitment selections and  
21 within a recruiting class, plus an ongoing training  
22 period each year.

23 And in St. Louis, the day I signed on at the  
24 department and went to the Police Academy, we had what I  
25 called sensitivity type training. For three weeks after



1 graduating in the Police Academy, the first 16 weeks  
2 you're assigned to Police Community Relations Bureau.  
3 It would be in a completely white area, a black area, a  
4 mixed area, or whatever, but you learn to deal with not  
5 blacks, not white, but people. And that's-- I didn't  
6 say we were so darn far apart here. You know, it's a  
7 shame we have got to be talking black and white issues  
8 in '91. I'm sorry, that's just the way I feel.

9 MR. STAPLES: Can I add on to that? And  
10 I don't mean to be laboring on the West Virginia  
11 Department of Public Safety. I know Dale Humphreys, I  
12 know he's very sincere about their efforts to increase  
13 the African American population within the Department of  
14 Public Safety. But one thing that I know that the chief  
15 will agree with me that that limits municipal  
16 departments, is the state police and governor committee  
17 develops the curriculum for the West Virginia State  
18 Police, a basic police course. And I think what we will  
19 be doing in the future is to lobby the governor to allow  
20 us to have more input into the curriculum that the  
21 officers are being taught, regardless of-- if you had  
22 all black officers down there, they wouldn't be getting  
23 that sensitivity training that we feel is necessary.

24 SPEAKER: I have a question I'd like to  
25 ask. How can-- and especially to you, Chief Wade, how

1 can you have any sort of sensitivity training without  
2 individuals from the community, give and a take? How  
3 can it be done?

4 MR. WADE: We did that. We used Dr.  
5 Cleckley from Marshall University and Dr. Patterson, he  
6 was on the panel amongst others from around the area.  
7 You're right. I mean, that's what we did, that's what  
8 we'll continue to do.

9 SPEAKER: Well, the reason I'm saying  
10 Chief Wade, we just don't-- now, I'm not being funny.  
11 Someone has to come in and ask those pertinent questions  
12 that really make people squirm. We need that, sir.

13 MR. WADE: We had a lot of people that  
14 made people squirm on both sides of the fence. I  
15 believe it was very successful what we did. It was just  
16 too little. We need to do more.

17 MR. PITTS: I think her question goes  
18 beyond a typical black. I think it deals with the  
19 people from the street level.

20 SPEAKER: Right.

21 MR. PITTS: When we use the term "street  
22 level," we mean people that are everyday people, people  
23 that have this negative concept and perception of law  
24 enforcement. I think that her questions says, how long  
25 will it be before these people are made a part and

1 participating from the level of input? Could you  
2 address her question now, from that perspective?

3 MR. WADE: I will address your question.  
4 I think I understand exactly what you're asking. How  
5 are we going to go about doing that is a little bit  
6 through our precinct house down there right now. We do  
7 talk to people. We do get out. We are babies. We are  
8 trying to learn how to crawl right now. We are trying  
9 to crawl. We are trying to address some problems.

10 The police officer that we have down there,  
11 you know, maybe he's not trying as hard as he should. I  
12 felt a lot of resistance from it. I felt resistance  
13 from the community, both ways. The way you're talking  
14 about, how do we get from that to interacting between  
15 us? That's the way we can do it right now. It's not  
16 the best way we'll do in the future.

17 As Chief Staples says, we are going to  
18 petition the commission here to try and get some sort of  
19 training within the police academies across the State of  
20 West Virginia. That's the only way it's going to be  
21 developed. That's starting at the top, not starting  
22 with my lieutenants or my captains in sensitivity  
23 training. We have got to start with the new people  
24 coming across right now and continue the process, don't  
25 just give them eight hours or 40 hours of sensitivity

1 training. Make enough training where it becomes a way  
2 of everyday working.

3 MR. STAPLES: I was going to add, in  
4 Charleston, what we are going to do, we are going to do  
5 it twofold. We are going to really impact-- I am going  
6 to impact on the command level, because they're the ones  
7 that's going to be responsible and they're going to be  
8 responsible for the actions of the subordinates.  
9 They're going to be the ones that I hold responsible.  
10 They're going-- they're going to be the ones why people  
11 will be doing certain things, because we are going to  
12 have an accountability. We are going to have  
13 supervisors out there that will be able to say what  
14 these subordinates are going to be doing. And they're  
15 going to be the ones that are responsible. They don't  
16 shoulder the responsibility of the rank, they're not  
17 going to have the rank. That's exactly the way I feel.  
18 I know that Chief Wade feels the same way.

19 MR. WADE: There's no question about  
20 that statement.

21 MR. PITTS: Let me ask you about some  
22 defecting here, some skirting of the issue of involving  
23 everyday people into the process. I have not heard an  
24 answer about everyday people.

25 MR. STAPLES: Here's what we are going

1 to do in Charleston. Within the next coming weeks  
2 before the 1st of July, we'll have a citizen's advisory  
3 board to the Charleston Police Department. We have a  
4 youth advisory board to the Charleston Police  
5 Department, because I don't think that any police  
6 anywhere can deal with problems without the assistance  
7 of the community to identify what the problems are. I  
8 think we have to quit policing on a broad spectrum and  
9 start taking a lot of our cues from the problems that  
10 are occurring in the different communities. We can't  
11 develop programs, a blanket program or inform  
12 communities, because every community has different  
13 problems.

14 So these officers that work in one community  
15 may have a different set of problems from the officers  
16 that work in another community. So we have to develop  
17 strategies. These officers who work in communities have  
18 to forge partnerships with that community and work with  
19 them to develop strategies to deal with the problems in  
20 that community. I think we have to stop treating the  
21 symptoms of certain problems.

22 We tend to want to treat-- we treat the  
23 symptoms of substance abuse in certain communities. We  
24 never identify the causes. We only treat the symptoms.  
25 We are people-- we kick down doors and that's only

1 treating the symptoms, because it doesn't go away. We  
2 need to get in there, and we need to start looking at  
3 what's causing this particular community to have this  
4 particular problem, and what's being-- we do other than  
5 law enforcement. We can be part of the solution. What  
6 can we do with the community? You're going to have to  
7 have the community give you feedback or suggestions and,  
8 you know, here's what we can do.

9 SPEAKER: My problem, I think, is a  
10 little more mundane. We have a community, we have a  
11 system that is already rotten. Now, then, you're going  
12 to bring the new officers in and you're going to make  
13 them different. My question to you is how? After I  
14 finish, whoever wants to answer. You have already got  
15 everything built in. As I understood by the community,  
16 it's understood by law enforcement, it's understood by  
17 the court system, you're going to make a change. You're  
18 not going to change these people out here.

19 MR. WADE: I will answer the question,  
20 as far as Huntington goes.

21 SPEAKER: I'm not through, yet, Chief.  
22 One of the methods we use, of course, is your  
23 commissions. But then you select people you want on  
24 those commissions, to do things you want to do. And  
25 almost never do you get the loyal opposition. You don't

1 want anybody to oppose that.

2 One of the things I suggested was along the  
3 line of the sensitivity center in Huntington. I  
4 suggested Phil Carter was an ideal person to do it,  
5 because he's been into it and doing it. All I'm saying  
6 to you is when you make the selections, you have your  
7 reasons for making the selections. And what I'm  
8 challenging you to do is explain to me how you can  
9 justify that when you know from jump there's not going  
10 to be any changes made. You're talking economics and  
11 jobs.

12 It's frightening to think that it takes twice  
13 as much money to hire a black to do the same job that  
14 you give away to whites. When you say "qualified" to  
15 me, I get upset, because when you say "qualified,"  
16 you're talking about something special where blacks are  
17 concerned. But anybody qualifies, if he is white. But  
18 the same people are interpreting and you put the same  
19 people out there.

20 I want to know what you're going to do  
21 towards rot gut, right down to the bottom, if you can  
22 employ a white for that job, you can employ a black for  
23 it. And they'll take that same money and do probably as  
24 good or as better job as the whites.

25 MR. WADE: A couple of things. I don't

1 know why it costs twice as much money to get a black as  
2 it does for a white. I've never heard that statistic  
3 before. Number two, you never told me to ask Mr.  
4 Carter-- Dr. Carter, excuse me, to be on that  
5 sensitivity board. No, you didn't.

6 SPEAKER: Chief, I made the open  
7 suggestion.

8 MR. WADE: To me?

9 SPEAKER: To you--

10 MR. WADE: When?

11 SPEAKER: --that you use Phil Carter.

12 MR. PITTS: Let us move in the  
13 direction--

14 MR. WADE: Well, I think I need to  
15 answer questions like that.

16 MR. PITTS: I will give you a moment to  
17 respond. But I will not allow such outbursts in the  
18 future. And I will adhere to it. I'm not here for an  
19 indictment against the Chief of Police. We're here to  
20 gather information. These personal battles will have to  
21 be fought elsewhere.

22 SPEAKER: No personal battles--

23 MR. WADE: I'm not aware of what you're  
24 talking about, any personal battles. I think he and I  
25 are on pretty good terms when we talk. But at any



1 rate-- I hope we are. At any rate, the way I will  
2 handle things within the Huntington Police Department,  
3 as far as hiring new police officers and who's going to  
4 handle them and their sensitivity training and how  
5 they're going to react, versus the people who're already  
6 in place will be simply through my leadership, my  
7 example.

8 The people that are captains now, some of the  
9 people that's in administrative positions, some that are  
10 in supervisory roles, I don't think there's anyone in  
11 this room that believes I'd tolerate any sort of racism  
12 in that department. If and when it's brought to my  
13 attention at any level, I react to it at that time, and  
14 I try to react to it if I see it surfacing around me  
15 somewhere. I will not tolerate it. That's been clear  
16 to every police officer and every citizen of Huntington  
17 since November the 8th. That's the way I am.

18 SPEAKER: You know there's something  
19 murky here. You see, I think I was in the same meeting  
20 that Jim recommended that you use Phil. Now, you may  
21 not realize how racist you were in the terms and the  
22 observations that you made in selecting certain people,  
23 but how can a person who has been through all of the  
24 stuff that is happening in Huntington compare with an  
25 individual who has been to diddy-wa-diddy and just got

1 back?

2 MR. WADE: If I--

3 SPEAKER: Oh, Jim, oh, he put it  
4 beautifully here today. And Chief, I think, now, that  
5 you don't mean to be racist in your thinking, but you  
6 have accepted the racist thing. And that's bad.

7 MR. WADE: Well, I hear what you're  
8 saying, and I'm sorry if that's the way I'm coming  
9 across. I certainly don't mean to be that way.

10 MR. PITTS: Dr. Carter?

11 SPEAKER: First of all, I really  
12 appreciate the negotiations that took place. And I must  
13 admit to you that Betty Cleckley approached me about  
14 helping her. And I said with this police department, I  
15 refuse to do it. And you had nothing to do with it.  
16 You weren't even here when I think that was being  
17 contemplated. It was about a year ago or so, because I  
18 do do police training. I do a lot of training. But  
19 none in West Virginia. None. I've trained in Delaware,  
20 a police department, and Newark, and the University of  
21 Delaware, and I usually train them together. Because  
22 campus police need to be trained with the community  
23 police.

24 I've done training, pre-test training, for  
25 people who were going to take the test in Allegheny

1 County for the Allegheny Police Department. Yès, I'm  
2 aware-- and I appreciate you saying those kinds of  
3 things, but most people don't want a wooge-- I'm a  
4 wooge. The boogies don't like this woogie. I train  
5 people to deal with woogies, boogies, jigaboos and  
6 wahoos. And the wahoos are the white guys out there.

7 Now, for those of you who understood what I  
8 said, that's the way I do it. But, let me get back to  
9 another question. The police department of Huntington  
10 will not have credibility, and any other police  
11 department will not have credibility, unless it finds a  
12 way to rejuvenate and to rehabilitate and to deal with  
13 justice for the way it has previously harassed African  
14 American officers or women or other people of color.

15 You must do something with this man who has  
16 been on the force for 20 years plus, still a patrolman.  
17 Was on night shift for almost 20 years, not in the  
18 African American community. He has given his money and  
19 his time to train some of the best athletes that we've  
20 seen come out of here, in boxing, karate. A specialist  
21 in the martial arts, undercover detective that I  
22 understand - and some of you are shaking your heads -  
23 who has been all over this state and served in dangerous  
24 work, and yet he remains at that level. We need this  
25 man in the community. He has the credibility to give

1 that precinct. Yes, I know he hasn't advanced to  
2 sergeant. Send him to school and train him. He's only  
3 forty-some years of age, and has 20 years of experience.

4 It is important, Chief, you do something with  
5 this man here. That's important. That's a symbol.  
6 That's a significant step. That's the way to reach out  
7 to the community. That's the way to rehabilitate.  
8 That's the way to move forward. That's the way to  
9 accrue legitimacy. Do it not just for him, but for all  
10 of us. That helps to bring credibility to the  
11 department.

12 MR. PITTS: Chief, do you wish to  
13 respond? I had tried to keep something--

14 MR. WADE: No, I don't have a problem  
15 with this at all. I wish I could have been here five  
16 years ago to develop people like Austin Hairston. I  
17 wish I could have been here five years ago to try to  
18 develop a sensitivity part for this police department.  
19 But I have only been here for six months. How long have  
20 you been in Huntington, sir?

21 SPEAKER: Off and on for over 30 years.  
22 They ran me out after four years the first time.

23 MR. WADE: Okay. They won't run me out  
24 after four years.

25 SPEAKER: I don't have much confidence.

1 I wish I could say that.

2 MR. WADE: I can. I will try to develop  
3 the quality leadership in Austin Hairston or anybody  
4 else in this police department. Austin, your name is  
5 up. Did you take the last test?

6 SPEAKER: Chief, to be honest with you,  
7 it's a waste of time. Total waste.

8 MR. WADE: Did you take the test before  
9 then?

10 SPEAKER: Yes, I've taken several tests.

11 MR. WADE: Did you take the test before  
12 that testing?

13 SPEAKER: The last one I took was in  
14 1980, the PFC, when they promoted 20 officers. And no,  
15 I didn't get promoted, and I was on the list. I never  
16 did.

17 MR. WADE: Okay. 1980. You're telling  
18 me-- and yes, I agree with you, the man has been here  
19 for 20 years. He has been a part of this police  
20 department. He's definitely been a leadership symbol  
21 within the community, not just the Fairfield community,  
22 but the Huntington community, and West Virginia, and law  
23 enforcement. But I can't promote him or anybody else--

24 MR. CARTER: Chief, I understand what  
25 you're saying. However, just be sensitive with me for a

1 moment. There are things that you can do. You can look  
2 around to your brothers on this system, and they can  
3 give you some ideas on how to do that and not violate  
4 the law, how to help a person get ready for a test.  
5 Because you see, if a person continues to be beaten  
6 down, that person may feel that there is no help. I  
7 have confidence that Austin can do it, but Austin needs  
8 your help. Take command.

9 As the commander here said, take command and  
10 say Austin, I am going to help you. I am going to help  
11 you and you're going to pass that test. And we are  
12 going to promote you so that he's put on a fast track,  
13 because he's been placed for 20 years on a slow track  
14 and side-tracked by the slow track.

15 MR. WADE: I don't want to get into a  
16 bickering contest back and forth.

17 SPEAKER: I'm not bickering with you.  
18 I'm asking you, man. I'm not telling you. I'm asking  
19 you.

20 MR. WADE: And I want to do that. We'll  
21 do things, and we are sensitive. But I can't promote  
22 this man from 1980. I have been here for six months.  
23 Going by the test-- he can take the test. He will have  
24 the opportunity--

25 SPEAKER: You can help him. You can

1 help him. You can help him, and you can help build the  
2 support for him. If a man has been here that long and  
3 attacked--

4 MR. PITTS: We've got to move on.

5 SPEAKER: I'm sorry.

6 MR. PITTS: I probably should not have--  
7 that's gone far enough. Mr. Hinton?

8 MR. HINTON: I'm going--

9 MR. PITTS: I'm dealing with-- I haven't  
10 passed you over.

11 MR. HINTON: I want to make a comment and  
12 a suggestion back on the question that Ms. Burke asked  
13 about sensitivity. And there was something going  
14 around-- the question about the people in the community,  
15 particularly grass-roots community. The comment I want  
16 to make is, all too often there's an assumption that  
17 every community has some high profile blacks. They've  
18 got the Phil Carters, they've got the Robert Browns,  
19 they've got the Sherwood Browns and so forth. And many  
20 times when you're trying to get a community committee,  
21 the police chief will say, hey, would you serve or do  
22 you want to recommend somebody?

23 And sometimes we think that people like the  
24 Carters and the Hintons and so forth, we speak for the  
25 massive of the people. And that's not always true. And

1 I think it may be important. You might go on the street  
2 sometimes, I think it was Sixteenth Street, wherever it  
3 is, and you've some young dudes hanging out on the  
4 corner and say, "we're getting ready to form some  
5 community committee here. Who would you recommend?"  
6 And we might put them on that committee. You would be  
7 surprised that they may offer some very good  
8 suggestions, because they're going to start calling out  
9 the names of the very people they have the most respect  
10 for, because they respect them. You're going to get  
11 some good suggestions by just talking to the people.

12 And I'd suggest to all of you, and I can look  
13 at them and say one thing. I've been impressed with all  
14 of you police officers. I have detected a strong sense  
15 of genuine desire to improve from where we are, and I  
16 appreciate that. But I just suggest strongly, go to the  
17 people. The very people that you may be arresting one  
18 day, or suspected of a crime, and they will tell you--  
19 they will drop names on you. It will be very important  
20 to them and important to you as well.

21 MR. PITTS: Arley?

22 SPEAKER: I guess really what I was  
23 saying was very similar to what he was saying. In terms  
24 of community people, I'm not only a black City  
25 Councilman in the Huntington community. And I have



1 blacks in the community that tell me I'm not doing  
2 anything, haven't said anything, haven't lived anything,  
3 haven't gone anywhere, every day. But you talk about  
4 communities. I mean, there's extremes on both sides.

5           There's extreme officers in the police  
6 department that need to be dealt with, but there's some  
7 extreme community people you don't need to be fooling  
8 with, and I don't need to be fooling with and they don't  
9 need to be on nobody's commission doing anything. I  
10 mean, I'm telling you what I know. I mean, you're  
11 talking about getting someone who's knowledgeable,  
12 someone who can be objective, someone who can list the  
13 issues as they actually are, and you just can't pick up  
14 anybody off the street. I wouldn't suggest anybody off  
15 the street. I came from the street. I know how I felt  
16 then.

17           It takes a little while, a little  
18 understanding, a little bit of knowledge to fully grasp  
19 what's going on. These dynamics are bigger than just  
20 what you are, I think, for the moment. And it's past  
21 personal vendettas.

22           You talk about history, you're talking about  
23 years and years of systems building and insulating  
24 themselves, and you're not going to tear that down  
25 overnight. You're not going to tear that down with one

1 black police chief in Charleston, West Virginia, or two  
2 black patrolmen in Huntington. The community has to  
3 work on this. The majority community has to be a part  
4 of this.

5 The biggest problem in Huntington is, there's  
6 not enough of the majority community in business and in  
7 the political structure, those of the powers that be,  
8 that are involved with this process.

9 There's many of us in the back community's  
10 that are involved. There's many people in the police  
11 community that are involved, but not enough from the  
12 majority community. Those that really control the  
13 dollars. Those that really control the larger social  
14 institutions. They're not involved even to this point.  
15 They're not even here today. And until that happens, we  
16 are really not going to do anything but scratch the  
17 surface and have a lot of name calling back and forth,  
18 and a lot of innuendo and a lot of nothing. That's  
19 where we need to work on this community. That's what we  
20 haven't gotten yet.

21 SPEAKER: Sherwood?

22 MR. BROWN: I'm going to say to this  
23 commission, and maybe they want to check it out and see,  
24 I think we put too much emphasis on high scores and  
25 Civil Service exams.

1 I know some of the finest officers, and I  
2 know one of the finest officers I worked with on the  
3 Raleigh County Sheriff's Department, just barely passed  
4 the test to be an officer. And I don't think he's ever  
5 passed a test for promotion, and that was a young man  
6 named Mark Harper. He was one of the finest officers we  
7 had on the department. And I think we put too much  
8 emphasis on who makes the high score on the test is  
9 going to be the best officer. That's not true all the  
10 time.

11 MR. STAPLES: Let me add to that, and I  
12 want to add this to Sheriff Mangum so he'll have this  
13 information about not being able to get to black  
14 applicants who are on lists because they're too far  
15 down. There's case law that came out of Kanawha County,  
16 and it's styled Harry Frank Frazier versus the City of  
17 Charleston, where Frazier, a white male, scored high on  
18 the test. I think he scored the third highest score on  
19 the test, and he was passed over. So he sued because he  
20 was passed over. And he sued in Kanawha County Circuit  
21 Court. And Judge Smith ruled that the mayor or the  
22 selecting administrator was not bound to go from the top  
23 of the list, that anyone on the list was, in fact,  
24 certifiable. And it wasn't a matter of grades, and that  
25 he could have passed over. And the West Virginia

1 Supreme Court upheld that. So, it means that you don't  
2 have to go with the top three. That is an option that  
3 is left open to a mayor or to a sheriff the way you want  
4 to pick. That was a case that was upheld by the West  
5 Virginia State Supreme Court, which said this guy-- they  
6 passed over him even though he was the third highest on  
7 the test, and it's said that the mayor could pick from  
8 any three within that--

9 MR. WADE: It's also been upheld by the  
10 Federal government.

11 MR. STAPLES: Right. And what it's  
12 saying is, that's these people from 100 to wherever your  
13 cutoff is, all of these people in here are certifiable.  
14 I mean, you can pick from anywhere.

15 MR. WADE: That's also been certified  
16 through the Federal courts, not just the State court  
17 here.

18 SPEAKER: My name is Casey James, and  
19 I'm a Captain with the Charleston Police Department.  
20 I've been a member of the Charleston Police Department  
21 for 27 years now, and I rose from the rank of patrolman  
22 to the rank of captain over the 27 years. I have taken  
23 Civil Service examinations from the time that I was a  
24 patrolman, up until the last test I took two years ago  
25 for Captain. And over the years, I have seen the test

1       evolve from a basic police test based on knowledge of  
2       your job that you do as a police officer to a high-tech  
3       examination. And this is the problem I think that law  
4       enforcement is encountering now, the command instructor  
5       has somehow raised the standard of the examination, the  
6       high-tech police examination, knowing that only five or  
7       six percent of the total population within the police  
8       department is going to pass that examination.

9               And that cuts out most blacks, because these  
10       high-tech examinations are catered to people who have  
11       serious knowledge about law enforcement, people who have  
12       degrees in certain things, or people who grow up in a  
13       law enforcement family. And to be frank with you, I  
14       took the test for captain in 1989, and I was one of  
15       seven people taking the test for captain. I ended up  
16       number three on the list. And to be frank with you, the  
17       test I took, it was so difficult that some people said  
18       they didn't know the questions. Some of the answers,  
19       some of the problems I didn't even know. I couldn't  
20       identify the questions. That's how high-tech the  
21       examination has become over the years.

22               Probably if we get back to the basic police  
23       examination, entry level examinations and promotion  
24       examinations, then we wouldn't have to worry about  
25       someone saying we're lowering the standards for someone

1 to get on the department. If we just give a standard  
2 police test like when I went on the police department 27  
3 years ago, it was a standard Civil Service police  
4 examination. Most minority people can read and write,  
5 and can understand mathematics somewhat. But when you  
6 get up into high-- calculus and all this sort of thing,  
7 you don't understand the stuff until you have a  
8 background in it, and only about five or six percent of  
9 the people of law enforcement are going to pass it.

10 And this is one way probably how this thing  
11 has evolved to strike out minorities and lower  
12 non-minorities who suffer from the same problems that we  
13 have. And there were six people under me when I took  
14 the test for captain. They had the same problems,  
15 because they're not adept at these kinds of things. I  
16 don't know anything about the test.

17 MR. STAPLES: I think you have to also  
18 look at localized validation of tests-- of instruments,  
19 of standardized instruments, how does it pertain to the  
20 locale. I think you have to also look at how much you  
21 weigh written examinations. How much weight do you put  
22 on it? I mean, if you're going to let a written  
23 examination count 85 percent of the total score, you're  
24 going to eliminate a whole lot of people. You're going  
25 to eliminate a whole lot of people. And most testing

1 agencies tell you that before you put any weight on  
2 their instruments, because usually most of them do  
3 surveys and studies to how their instrument impacts on  
4 certain groups, whether it be females, males, Hispanics,  
5 Asians, they have a chart that tells you how it impacts.  
6 And most testing companies will tell you before you put  
7 a weight on an instrument, see what type of impact it  
8 has on your population of minorities that are tested.  
9 Most of them have charts. And a lot of them will tell  
10 you if it has a despairing impact, don't even use the  
11 instrument. But we go forward with it and go ahead and  
12 use it anyway, as a measuring tool, and it's not a  
13 proper measuring tool for a person's ability to do the  
14 job.

15 Because most of the content most of the time  
16 is not even germane for the locale they're tested in.  
17 We had something on our test that wanted to know what  
18 were the results of the Rochester study. Well, I didn't  
19 know Rochester did a study and what it was about. But  
20 these are the type of questions that are on there. And  
21 I mean, why would you even be thinking about that? What  
22 does it have to do with the job that you do or you  
23 perform within a law enforcement agency.

24 So, I think that, number one, agencies need  
25 to start looking at those tests. And then the key is

1 just what they've-- the gentleman, he is gone now, but  
2 he was in the back. You've got to involve the  
3 community. Because I can make-- I mean, you can develop  
4 a test that a second grader can pass, but then you could  
5 have the problems with physicals.

6 I mean, we had one time, we had every black  
7 applicant we had had a heart murmur, or they had knee  
8 injuries from football, from playing football. Then  
9 this past testing, we had a white psychologist who was  
10 doing the psychological testing who-- the applicant that  
11 she denied at first, he ended up graduating second out  
12 of our academy. She said that he was anti-social. But  
13 she was an upper-class white psychologist giving a  
14 psychological test made up of her values to an applicant  
15 who was from the Sugar Cane area of Florida. So it's  
16 different. I mean, it's different to me, his culture is  
17 different. So I can imagine how she drew those  
18 conclusions.

19 But that was something that we had to look  
20 into, you know, who do we have doing these tests? How  
21 many black psychologists do we have out there that are  
22 giving these tests? How many black physicians are we  
23 using to do this? Who's setting the standards? Do we  
24 have any input in the standards that people say, well,  
25 you're not qualified because you don't meet the



1 standards?

2           You know, we had - and again, I don't mean to  
3 belabor the West Virginia State Police - but we had an  
4 applicant, a black applicant, who has a Master's Degree  
5 in business and finance - and again, I wondered why he  
6 wanted to be a police officer, but it's a dream and he  
7 has the right to want to be one - but his body fat was  
8 two percent higher than what the standards were set by  
9 the Department of Public Safety. So, they didn't want  
10 to take him.

11           And that's what I'm saying. We need more  
12 input; local agencies need more input. And you know,  
13 I'm not arguing their standards. If they want to have  
14 those standards for them, that's fine. But don't tell  
15 the municipalities that I have-- in effect, what you're  
16 doing is by me-- our departments having to live to their  
17 standards, they're in effect telling us who we can hire  
18 and who we can't hire in order to get them trained. So  
19 I'm saying we should have more input and the communities  
20 need to have more input into-- and that's like telling  
21 Charleston, well, you need 20 police officers, well, you  
22 can only have ten. Because these others don't meet the  
23 standards, although they may meet your standards. So  
24 that's a problem that we've got to deal with.

25           SPEAKER: Can I ask Chief Staples, what

1 would two percent body fat have to do with-- I mean, how  
2 would that necessarily affect the whole situation, the  
3 weight or anything else?

4 MR. STAPLES: That's what I'm saying  
5 about having involvement and input in developing  
6 standards. I think standards, we're kind of loose about  
7 standards in West Virginia, anyway, because most  
8 standards are only for hiring. You know, you can be  
9 fit-- you have to be fit as a fiddle when you get hired,  
10 but after you've gone through the academy, they don't  
11 care, you can walk around as heavy as you want. So I  
12 think that there's a real problem with the standards  
13 there. If you're going to have them, they should be for  
14 all the time.

15 SPEAKER: May I just raise one other  
16 question. If I'm fit as a fiddle when they hire me and  
17 then I walk around and I'm heavy, and then I'm promoted,  
18 are you going to hold a standard of weight against me  
19 because I've gotten fat sitting around?

20 MR. STAPLES: No. That's what I'm  
21 saying. That is just another example of how you can use  
22 the system to eliminate who you want to eliminate. And  
23 that's a big concern of most communities.

24 MR. GOTTLIEB: I'll address this to the  
25 chief. Aren't we-- you all confronted with certain

1 regulations that the Service Commission as set up, about  
2 the legislature. I assume before that you all have  
3 attempted maybe to contact either some of the  
4 legislative committees in order to change part of this  
5 because I served years ago on the Police Civil Service  
6 in Clarksburg. We changed some things. Everyone is  
7 challenging now the educational system, whether the SAT  
8 exam, this kind of exam, and there's a lot of merit in  
9 challenging some of them. But I'm trying to figure out  
10 how can we get to the basis of it and make some  
11 improvements and move in the right direction.

12 MR. STAPLES: Well, I think we have to  
13 look at when those Civil Service laws were enacted.  
14 You're talking about laws that are 20, 30, 40 years old  
15 that have not been revamped. Those are years when  
16 certain jobs were reserved for white males only.

17 Well, it's changed today. We can't have the  
18 same standards for white males and expect females to  
19 pass it. I mean, that's just-- it's just not fair.  
20 It's not fair to say, well, we want females and then put  
21 a standard that you know that's completely out of their  
22 reach, as far as physical fitness goes; expect females  
23 to do 50 sit-ups. It's just unfair. And I think we  
24 need to revamp those Civil Service--

25 MR. GOTTLIEB: Where should that

1 originate, is what I'm trying--

2 MR. STAPLES: Oh, the State legislature.  
3 They're the ones that regulate Civil Service law.

4 MR. GOTTLIEB: Do either chiefs of  
5 police or state or other law enforcement have a  
6 committee who have made certain recommendations that are  
7 made to the committee, legislative leaders have not  
8 considered or are considering?

9 MR. STAPLES: Well, what we did was we--  
10 the Civil Service is not really specific that you have  
11 to do certain things. I mean, that you have to do them  
12 a certain way. Because we started out with a physical  
13 fitness, and we just-- we saw what an impact it was  
14 having on certain candidates and certain groups of  
15 candidates, so we did away with it. We just said, we're  
16 not going to count that. Because we were eliminating  
17 too many good applicants because-- simply because of a  
18 standard that was set by-- not for police officers, in  
19 the Code, it's not designed for police officers, it's  
20 something of the fire department, National Fire  
21 Department Code Standards they set up. So the Civil  
22 Service said, we'll just include that as everybody's  
23 physical fitness.

24 MR. HINTON: Let me just piggy-back on  
25 that. Do you think maybe the FOP and the State

1 organization ought to be a part of that process, because  
2 if we're going to make some changes, would they not have  
3 a conservative approach and might resist that and might  
4 affect a political bill against passing the legislation?

5 MR. STAPLES: The FOP is an organization  
6 made up to address the concerns of the majority. And  
7 the majority in law enforcement are white males. So, I  
8 have a lot of problems with the FOP being involved with  
9 developing certain standards. Their standards-- they're  
10 going to be developed by who?

11 MR. HINTON: I understand that. But if  
12 they're going to have a problem with the process, my  
13 point is, would they be an opposition to such  
14 legislation and therefore maybe effective of getting it  
15 passed?

16 MR. STAPLES: No, I don't think so.

17 MR. WADE: The FOP can be very  
18 effective--

19 MR. STAPLES: They can be effective in  
20 getting it passed.

21 MR. WADE: The FOP just got a promotion  
22 bill passed in this state this last time. One of our  
23 lieutenants from the Huntington Police Department got  
24 the bill passed. And it's not a very good bill. Yes,  
25 it is. It's not management taking care of management

1 positions. It's the tail wagging the dog. The bill for  
2 promotions state simply in this state that it will only  
3 be made based upon experience and examination.

4 Now, what we've done with that is allowed the  
5 FOP, our members of it, to go to people like you to get  
6 us back in the court system and sue us again to identify  
7 experience and to identify and qualify a test. I say to  
8 the Commission and the people out here, it's time that  
9 law enforcement administrators do what we're hired to  
10 do, and that is administrate police departments. And  
11 maybe just not based upon West Virginia, but based upon  
12 law enforcement as a national norm. There are processes  
13 out there that we work with nationally that work very  
14 well across the United States and will do great right  
15 here in West Virginia. It's called an accreditation  
16 process. It takes care when a police officer is  
17 recruited to the date that police officer maintains a  
18 rank of chief of police. It's like your hospitals, your  
19 schools. It's an accreditation process. That's what I  
20 advocate doing.

21 MR. PITTS: This gentleman right here.

22 SPEAKER: I have a question which may  
23 dovetail some of the things you're addressing. When  
24 Chief Wade spoke earlier, he talked about some  
25 legislative changes that he would be seeking. I wanted

1 to kind of follow-up on that and find out specifically  
2 what they were. And I don't know, maybe some of the  
3 Civil Service codes are part of that. But if you could  
4 say more specifically what your--

5 MR. WADE: I would like to see the  
6 accreditation process. As easily as sometimes it  
7 appears that FOP members can put things into the  
8 legislative process of West Virginia, it might be just  
9 as easy to put the entire accreditation process in. And  
10 that would just answer just about every problem we have,  
11 because there are avenues then that bring the community  
12 and its police department together to work with one  
13 another. It's already built in. The process is there.

14 MR. PITTS: This gentleman here.

15 SPEAKER: Dallas, you were talking about  
16 maybe some changes that you'd like to see made. Has  
17 there been any contemplation about a lawsuit, similar to  
18 what's been done in other cases, to perhaps force the  
19 legislature's hand in changes under the Civil Service  
20 requirements?

21 MR. STAPLES: Well, most Civil Service  
22 Commissions operate free and have the authority to make  
23 changes within that particular organization. Our Civil  
24 Service Commission has changed the maximum points on  
25 seniority every-- for the past 15 years of tests. Every

1 test is different. So I think what the Chief is saying  
2 is that we need some clear cut promotion guidelines that  
3 are in place and they're for everybody, and nobody is  
4 flip-flopping around.

5 But at the same time, I have problems with--  
6 yet we might be able to get it through, but who's going  
7 to develop it? I mean, who's going to have input on  
8 developing this thing, and we've got it in and then  
9 nobody can change it? That's what I'm saying. How many  
10 black police administrators are there that are going to  
11 be thinking about how it's going to affect the black  
12 population on their department?

13 MR. WADE: Is that under NOBLE?

14 MR. STAPLES: NOBLE is not in West  
15 Virginia. We don't have that here.

16 MR. WADE: Bring it in West Virginia.

17 MR. STAPLES: We're part of the National  
18 Black Police Officers Association. But what I'm saying  
19 is very few white administrators have a large black  
20 police population on their departments. So that's not  
21 going to be their concerns when they're developing these  
22 type of things, if we're not included. So, yeah, I've  
23 got real concerns about the FOP being the ones that  
24 develops and pushes something through, yes.

25 MR. WADE: I do, too.



1 MR. STAPLES: I've got real problems  
2 with that. I would want some input from designated  
3 organizations, the NAACP. I'd really want their legal  
4 redress committee to take a look at it before anything  
5 is pushed through. I mean, look at the-- you talk about  
6 the West Virginia legislature. We've only got two black  
7 members of the whole West Virginia legislature. I mean,  
8 you know, don't talk about police bills, and we've got  
9 the highest unemployment among blacks. You know, I  
10 think there's a lot of things to be addressed, but I  
11 have a lot of concerns about taking something up there.  
12 And I see a lot of police officers who have the same  
13 last names as a lot of legislators. It really concerns  
14 me.

15 MR. WADE: I've noticed that, too.

16 MR. PITTS: Let us move on, and this the  
17 way it's going to go: Ki-Taek, Robert I. Brown and then  
18 Bob Brunner, and then I will cut this session off, I'm  
19 over 15 minutes.

20 MR. CHUN: Since time is short, I'll  
21 just limit my questions to one, to Officer Sherwood  
22 Brown: you mentioned something about the instance of  
23 harassment and you also talked about a set-up. Would  
24 you give us specifics about-- maybe cite one example  
25 that you had and what you meant. To me that is

1 important because not only is it difficult to get into  
2 the system, but once you get into it, it maybe even as  
3 hard, even harder. So we're interested in hearing you  
4 describe the set-up situation-- an example of harassment  
5 as set-up by the department.

6 MR. BROWN: Okay. I can give you an  
7 example that never did develop on account of the  
8 citizens in the area where I worked in. They advised me  
9 what was going on. I don't know how they got word of  
10 what was going to happen. But the basic set-up was that  
11 they were going to dispatch me to a trailer with women  
12 in it, and when I answered the complaint and left, then  
13 one of the women there was going to say maybe I tried to  
14 rape her or something like that. All right. Each time  
15 that I was sent on a complaint of that type, I would  
16 wait for a back up, and that couldn't develop because I  
17 had a fellow police officer there.

18 In the meantime, the sheriff tried to get one  
19 of the fellow officers - he's not an officer now - to be  
20 in the conspiracy with him to set me up and also agree  
21 with the woman that they were going to accuse me of  
22 that. And when he refused to do it, then the whole  
23 thing fell through.

24 MR. CHUN: Do you think something like  
25 that still goes on?

1 MR. BROWN: Well, what I was going to  
2 say is that it's not likely that it wouldn't happen  
3 again. I would say it could happen again. I think when  
4 the chief of police and sheriffs and those guys want to  
5 get rid of you, there's no limit to what they'll go  
6 through to get rid of you, especially if you're a sore  
7 thorn in their side.

8 SPEAKER: I just want to take a few  
9 moments to say in regards to the Civil Service  
10 Commission and sheriffs and chief of police and all that  
11 kind of thing, that I agree that it's probably about  
12 time that the legislature takes another look at this.  
13 Because on the one hand, it tells the Civil Service  
14 Commission what you shall do, and that means that  
15 legally that you have the responsibility of carrying  
16 that out. I can feel for sheriffs and chiefs of police  
17 who feel like, well, you're infringing on my duty and  
18 responsibility. But when the legislature says you shall  
19 do that, this is a part of what you must do, then that  
20 is conflict that's created by the legislature.

21 I recognize the fact that in looking through  
22 the State Code I carry with me all the time that there  
23 are a lot of responsibilities that a Civil Service  
24 Commission has. It tells you what-- it doesn't tell you  
25 how to implement it, you just do it.

1           There are some things that I look at that  
2 sometimes without money and without-- for instance, you  
3 were discussing the physical condition of a lot of  
4 deputies or policemen that it says the Civil Service  
5 Commission shall provide a recreation program-- not  
6 recreation, but physical fitness programs, when you  
7 don't have any kind of money to do that. And then there  
8 are standards and things on the other end that says  
9 that, well, you know, maybe you ought not promote them  
10 because he's not in shape, but it was your  
11 responsibility to keep him in shape in the first place.

12           There are a lot of problems I recognize that  
13 are part of, you know, of these particular codes. And  
14 those things keep good commissions and administrators at  
15 each other's throats when the law says you shall do it.  
16 And I don't know any other way. Of course, my sheriff  
17 is sitting over there, and we battle, and if he thinks  
18 I'm going to stop battling, he's lost it. But as long  
19 as the law says you shall, you know, that that's what  
20 you must do.

21           Then in regards to recruiting, part of what  
22 our recruitment says that when tests are to be given,  
23 that an announcement of those tests will be placed in  
24 the minority communities and in the newspaper letting  
25 them know the test is forthcoming; that those are

1 additional ways in regards to informing the minority  
2 community.

3 Then one other thing that my sheriff did  
4 mention, that in the hiring process, that by law, my  
5 sheriff doesn't hire unless we say hire, you know. And  
6 that begins to be a problem, I know, for departments.  
7 And the law says how to do it, as he was saying. You  
8 send the three names and he's to use the three names.  
9 But those kinds of processes-- and these are processes  
10 we must follow.

11 And again, as we sit together, your chiefs of  
12 police and deputies-- I mean sheriffs and jailers and  
13 all of those kinds of things, and commissioners and  
14 civil service-- maybe it's time again to sit down and to  
15 perhaps look at the total law and to say to our  
16 legislators, hey, look. You know, can we clean this up  
17 or can we really hone this thing down to be a little  
18 more specific. And maybe being specific, it may hurt  
19 the process, I don't know. But I know that there are a  
20 lot of holes and a lot of traps and a lot of court  
21 suits. And it bothers me that my sheriff would have to  
22 overturn my decision and spend all that time and money  
23 going to court when it really looks as if it's  
24 unnecessary, you know. And it bothers me when we put a  
25 lot of money into a lot of men, men and women, and they

1 stay around a short period of time and then they have to  
2 leave and we have to start the process all over again,  
3 training and spending a lot of money, and training  
4 people that are going to leave us. There are a lot of  
5 problems, you know, we really need to look at, too.

6 And in regards to minorities, we have to keep  
7 reaching. And I'm glad to know-- and we'll look again  
8 to find out how we can reach beyond that to lift out  
9 minorities, because indeed, as the State Human Rights  
10 Commission affirms the fact and part of our-- a part of  
11 our compliance is nine percent, as far as our  
12 affirmative action program goes. I recognize we're over  
13 time.

14 MR. PITTS: I just wanted-- you serve as  
15 a commissioner?

16 SPEAKER: Yes, I do.

17 MR. PITTS: And has it been historical,  
18 though, that the sheriff can manipulate that list, even  
19 though you send in the three names, he can manipulate  
20 that list, through the process, to get to whoever he  
21 wants that's further down the list? That's true, isn't  
22 it?

23 SPEAKER: Well, it's true, and it has  
24 been through-- and it's worse than true. And Civil  
25 Service Commissions don't live up to their

1 responsibility. And a lot of times, we don't live up to  
2 it, which gives an opportunity--

3 MR. PITTS: And historically, sheriffs  
4 have manipulated the list in order to reach the white  
5 individuals that they want on the list rather than  
6 reaching the black individuals who may be qualified?

7 SPEAKER: Yes. Very frankly, it's true.  
8 But let me also share with you, a number of years ago  
9 that on the list in Raleigh County that the first eight  
10 or ten people on the list were black. They scored the  
11 highest. They were trained for it. And that sheriff  
12 didn't care to promote them and he sat on it. In his  
13 department, the numbers went down. He didn't hire  
14 anybody until the list ran out, because of the people on  
15 the top of the list were black. He didn't want any  
16 black persons, so he let the list run out and then he  
17 called for another test.

18 MR. PITTS: Well, that ends this  
19 session. Let's take five minutes and you can reconvene  
20 for the third session.

21 (WHEREUPON, a break was taken in the  
22 proceedings.)

23 MR. PITTS: I'd like you to put into the  
24 record how a police complaint is made in your department  
25 by a citizen before I start with the next panel. Could

1 you do that quickly for me, please?

2 MR. STAPLES: Number one, if a citizen  
3 complaint comes in, that initial complaint is taken by  
4 the shift commander, the shift commanders that are on  
5 duty 24 hours a day. Each shift has its own commander.

6 MR. PITTS: Dallas, is there a special  
7 application or form or you just do it by written letter?

8 MR. STAPLES: We do it by written  
9 report. That report is written. They take a complaint  
10 from the complainant. If it's something that can be  
11 handled by the shift commander, that shift commander  
12 makes a decision that that's something that can be  
13 handled at shift level, then it is handled at shift  
14 level. But they still document what action was taken,  
15 when, and what the resolution was. And that is  
16 forwarded up.

17 If it's something that the shift commander  
18 feels cannot be handled at that level, it's then  
19 usually-- should be transferred to the bureau chief,  
20 like Captain James. He's a bureau chief. He then makes  
21 the decision whether he can handle it at his level or  
22 whether or not it should be given to internal  
23 investigation for an internal investigation to be  
24 initiated. He would forward that report to internal  
25 affairs, who would then confer with the chief, and then



1 a decision would be made to start or not start an  
2 internal investigation. And that's the vehicle that we  
3 use for off the street complaints or people who call in  
4 and want to know.

5 Now, if someone calls in on a complaint, say,  
6 the next day, then we usually route them right to the  
7 bureau chief. We bypass the shift commander, take them  
8 right to the bureau chief. And then from the bureau  
9 chief, it's decided whether it goes to IA or whether the  
10 bureau chief will handle it. And that's the vehicle  
11 that we use to investigate citizen complaints for police  
12 misconduct or any other complaint.

13 SPEAKER: May we question here?

14 MR. STAPLES: Yes.

15 SPEAKER: Okay. My question to you is:  
16 you've named every area, but what about that complaint  
17 that never gets to the attention of anybody, except the  
18 individual who took it? There are some complaints that  
19 just don't show.

20 MR. STAPLES: That's what I said  
21 initially. If you have a shift commander who takes the  
22 complaints, he still has to write a report.

23 SPEAKER: Right.

24 MR. STAPLES: And then that report is  
25 forwarded up. The bureau chief will review that.

1 They'll get that report to review, that if the action  
2 taken by that shift commander was proper. If the  
3 complaint never comes, we never know it's a complaint.

4 SPEAKER: Yeah, but wait a minute.

5 MR. STAPLES: How do I know it's a  
6 complaint?

7 SPEAKER: There must be some way of  
8 getting rid of complaints, whether it's with the bureau  
9 chief or somebody. Somebody is getting rid of the  
10 complaints, and it wouldn't necessarily have to be the  
11 one who took it.

12 MR. STAPLES: Let me say this: that we  
13 would advise any citizen, because we have a follow-up  
14 system, that someone contacts that citizen back. And I  
15 think that most citizens, if they come in and make a  
16 complaint, if it's serious enough that they feel they  
17 need to come in to the police department to make a  
18 complaint about it, if someone doesn't get back to them,  
19 believe me, they'll be calling the chief's office to  
20 find out what's going on.

21 We have that not only on citizen's complaints  
22 against police officers, but if you've had your house  
23 broken into and nobody gets back to you, you can believe  
24 somebody is calling the chief's office.

25 So if someone calls me because someone has

1 failed to do something, then those people have-- you  
2 know, somebody has got to tell me something, because  
3 number one, I want to know why I got the phone call.  
4 And what I want to know from this captain, why am I  
5 answering questions that should have been answered long  
6 ago? So, then, you know, then he's going to the next  
7 person. So, it goes downhill as the old saying goes.  
8 So, somebody at the bottom is going to catch it. So,  
9 that's our safeguard. Because that's the number one  
10 thing I want to know is why am I talking to this person  
11 on the phone about something you or someone that your  
12 commander should have taken care of.

13 MR. WADE: In the Huntington Police  
14 Department, on formalized police complaints, if it's of  
15 a nature where it cannot be handled by the shift  
16 commander that's on duty, the process is that he will--  
17 the person, he or she that makes the complaint, will be  
18 interviewed by the bureau commander the following day.  
19 A complaint will be taken from that person and the  
20 complaint will then be forwarded to the internal affairs  
21 Captain, Paul Price. He will investigate-- he will  
22 determine if an investigation is needed. He will concur  
23 with the prosecuting attorney or a member of his staff.

24 A complaint will be followed up with, and  
25 then the complaint will be processed through me. I

1 don't get involved in the process until the IA person  
2 has made a determination if there was some misconduct  
3 that was wrong on the police officer's point, or if it  
4 was a call we didn't respond to or whatever.

5 If it's a complaint-- I'm sure Chief Staples  
6 gets them as well as I do, in the mail on occasions,  
7 without a name on it. You know, the prostitutes are  
8 still working up in this particular area up here or  
9 something. Those are generally forwarded right into the  
10 bureau commander, who's got jurisdiction over those.  
11 What we do in the Huntington Police Department now - I  
12 don't want to talk about what they did a year ago -  
13 every time a complaint has been filed, the person making  
14 the complaint will be contacted within 30 days, at the  
15 minimum of 30 days. But if it's completed prior to  
16 that, within 24 hours of completion.

17 SPEAKER: Now, may I ask you something?  
18 Are you presupposing that the person who gets it before  
19 you get it, would be honest enough to deal with it  
20 forthrightly?

21 MR. WADE: As Chief Staples says, I  
22 don't know there's a complaint. If we find that a  
23 police officer is not taking the report, not doing what  
24 his job is supposed to be, then that in itself is  
25 another complaint, and charges would be filed against

1 that officer.

2 MR. STAPLES: Let me say this. There's  
3 another thing that we do in Charleston, all complaints  
4 about police officers or the police department doesn't  
5 necessarily come through the police department. We have  
6 a lot of people-- our mayor has people's day, where he  
7 has-- where his door is open and people can come in and  
8 talk about drainage, sewage, curb repairs, sidewalk  
9 repairs, whatever. A lot of complaints about police  
10 officers.

11 And he has a system-- a form is filled out.  
12 And one is put in the file, one is sent to the  
13 department, and then one is sent to the assistant city  
14 manager, who sends a letter to these people thanking  
15 them for the information and that their information has  
16 been forwarded to the chief of police or his sanitary  
17 board or street commissioner. And that if no one has  
18 contacted you by thus and such date, then you call me at  
19 this number and I will personally see why it wasn't  
20 taken care of. So, that's one of the things we do.

21 MR. WADE: That's pretty generalized in  
22 the department.

23 MR. PITTS: Thank you. Officer  
24 Humphreys?

25 MR. HUMPHREYS: Our system is really

1 simpler than that. We are spread out all over the  
2 state.

3 MR. PITTS: What I'm doing for those of  
4 you who weren't here earlier, I asked the last panelists  
5 to come back and to give us an outline of the procedure  
6 for filing complaints with their different agencies. So  
7 that's what's taking place at this time before the  
8 commentators of our last panel are taken.

9 MR. HUMPHREYS: Our system, like I said,  
10 is simpler than that. We have attachments all over the  
11 state, from one end to the other. And it's kind of hard  
12 to have a person that's got a complaint to call the  
13 attachment level when we've got a corporal or sergeant  
14 operating out of an attachment, complaining about one of  
15 his troopers. Most usually, that will get to the right  
16 officer and the right channel.

17 But you want a secure-- you actually want--  
18 if you've got a serious, legitimate complaint, get to  
19 the meat of the thing, write a letter. Put it in letter  
20 form on your own stationary, on any type of stationary,  
21 write to the superintendent, in care of the  
22 superintendent. He will look at the letter and he will  
23 answer your letter. He will also give this letter to  
24 the internal affairs division. They will look into it,  
25 look at the complaint. And if there is a problem there,

1 they will take care of it within the internal  
2 investigations.

3 All complaints are looked into, if they're  
4 addressed to the superintendent. As I said, write a  
5 letter and explain what your problem is, giving the name  
6 and the situation and dates and the times. That will be  
7 looked into. If there's action that needs to be taken,  
8 it will be taken from that point. It's as simple as  
9 writing a letter.

10 SPEAKER: Could we ask him something  
11 before he sits down? You used the word "legitimacy."  
12 You know, that's a funny word. That's according to  
13 who's doing the determining factor there, as whether or  
14 not it would be legitimate.

15 MR. HUMPHREYS: That's true. Some  
16 complaints are not legitimate, believe it or not.

17 SPEAKER: Who decides, the  
18 superintendent?

19 MR. HUMPHREYS: Well, after an  
20 investigation.

21 SPEAKER: Yeah. You know, that scares  
22 me because there's a saying, we must watch the watcher.

23 MR. MANGUM: At the Sheriff's  
24 Department, we're a little bit smaller organization than  
25 the previous people. We have 38 people. And again, as

1 someone said earlier today, police hate to investigate  
2 police. With 38 men, they're afraid of the internal  
3 affairs. So, we just kind of stay away from that. I  
4 have been to the internal affairs training in a couple  
5 of places to try to keep up on that.

6 So what we did, we set up a citizen's  
7 complaint form. It's assigned a number like any other  
8 complaint that people make. We start at 001 on January  
9 1, and go all the way through. And so whatever incident  
10 number comes up at that time, if someone walks into the  
11 office and wants to make a complaint, the records people  
12 will call for a number and start a general complaint.  
13 The OIC, that's the officer in charge of whatever shift  
14 is involved, whether it be day, evening, or midnight,  
15 will be called to the station to talk to these people  
16 and take the report.

17 Generally, the whole operation that we have,  
18 I have had very few of those numbered complaints. Most  
19 of them come across my desk or come to my house through  
20 telephone or even in my driveway. I generally-- being  
21 an elected official, they want to talk straight to me  
22 and take some action, so they'll call me. I have 15  
23 telephone lines on my desk, and they'll call with police  
24 complaints or whatever they want me to pay attention to.  
25 So, we do do a report.



1           We have a number on the complaints, and if  
2           it's of some nature that needs a considerable amount of  
3           follow-up, I will call on the detective bureau, who will  
4           go out and take statements from the groups of people  
5           that will verify such and such a thing happened and if  
6           the complaint is the full story on all the people.

7           And then generally, if the complainant wants  
8           to do it this way, we'll confront the officer or let  
9           them come in and let them talk face to face. And I find  
10          90 percent of the time, it's something that when they  
11          talk face to face, they understand that maybe the  
12          officer is having a bad day or people misunderstand or  
13          whatever, and generally, it works out pretty good. And  
14          I fired four deputies under the Civil Service since I've  
15          been there and I've encouraged about 16 others to leave.  
16          And you know, that's a hard job under the Civil Service.

17          We had-- I did inherit a great deal of  
18          problems as people from Raleigh County know. It was  
19          like we came to work and we would do what we wanted to  
20          do and we'd go home, you know. And you just can't be  
21          that way in the '80s and '90s. We have to get some  
22          organization. We have a time clock, you report to work,  
23          you don't take the cars home anymore. It's a whole lot  
24          of things. So we've changed a lot of that attitude  
25          problem by just asking people to leave, that did not fit

1 along in our program.

2 But the citizen is right thing is probably  
3 one of the most of my problems I have. I have been  
4 sued. I'm just learning how to get sued without getting  
5 all emotional after six years, now. The problem, you  
6 know, people, if they-- people who know that you're  
7 going to listen to their complaint and take some type of  
8 action, they're not always-- they're not always  
9 expecting you to fire somebody or suspend them without--  
10 you know, without pay for a long period. They want you  
11 to call the deputy in and tell them you were rude or you  
12 overreacted at this particular situation. You said  
13 something that was unkind. It's usually something minor  
14 that you can deal with by talking. And people, they  
15 seem to appreciate it when you tell them that you were  
16 wrong.

17 And like the trooper said, there are times  
18 when the person-- the trooper or the deputy did what was  
19 right, but he seemed a little harsh to the people. But  
20 he was really doing his job.

21 I had a couple of complaints where a deputy  
22 was saying, you've been drinking. This particular  
23 person just happened to be a T-totaller, they don't  
24 drink. He doesn't know that. He sees some erratic  
25 driving or something. It's probably a good question;

1 you've been drinking. I mean, you know. And they were  
2 offended by that. They come in and say they were very  
3 religious and they were insulted because he accused them  
4 of drinking. You know, you can't hardly discipline a  
5 deputy for that. You want him to stop this car and ask  
6 them and check and see.

7 We just have to deal with them on a daily--  
8 you know, on a basis, each one individual, is what I'm  
9 trying to say. I hope that's satisfactory.

10 MR. PITTS: Thank you. Now we come to  
11 our third panel, the last panel for today, commentators.  
12 As you know, we had hoped that out of this proceeding  
13 today, we may look to some resolutions that could be  
14 formed or some concepts or ideas or perceptions that may  
15 help develop within the communities and the departments,  
16 a relationship that is more amenable than the  
17 relationships we presently see in the community/police  
18 situation. So at this time, we'll hear from our  
19 commentators, beginning with Paul Sheridan, who  
20 remembers me from the early days, I guess, when we both  
21 worked with the Legal Services Corporation. I'm still  
22 on the Board, as a matter of fact. Paul?

23 MR. SHERIDAN: I should say I'm here  
24 today as a member of the Civil Rights Division of the  
25 Attorney General's office. I just have a couple of

1 observations to make. I was pleased that the chiefs  
2 told us about their complaint procedures before they  
3 left, because that's the first area that I wanted to  
4 address. I'm sorry that it seems like most of them have  
5 left, because perhaps they could sort of comment from  
6 reality on some of my comments. Maybe some of you ought  
7 to as well.

8 My first observation is that there doesn't  
9 seem to be any statutory basis for any kind of a  
10 complaint procedure. There's no centralized procedure  
11 in West Virginia that I'm aware of for making complaints  
12 about police misconduct.

13 The State Police seem to have no formal  
14 policy at all at this time. They have an informal  
15 policy which was described to us, which I think is a  
16 real concern. Because any time you have an informal  
17 policy that isn't reduced to writing and sort of works  
18 this way in some instances and this way in some  
19 instances, depending on where the complaints come in,  
20 you can never be sure that you're hearing about all of  
21 the complaints at the top, that they're getting  
22 redressed, and that some of them aren't getting lost  
23 along the way.

24 There's a natural tendency to be concerned  
25 that there's going to be some inconsistency, even giving

1 the people involved every benefit of the doubt. It's my  
2 understanding they're in the process now, the State  
3 Police that is, of drafting some kind of a written  
4 policy for receiving complaints about police misconduct.  
5 It has not been made public yet, as far as I know, the  
6 terms of it. And I think that the formulation of that  
7 policy is something that is going to be very important  
8 and needs some attention. Whatever the policy is, I  
9 think it's very important that people know about it,  
10 that it be publicized. And I think that's another step  
11 that needs to be taken.

12           Complaints in county and municipal levels, I  
13 perceive as even a more thorny problem. I suspect we've  
14 heard from some of the more concerned people in law  
15 enforcement. At least, I was impressed with the people  
16 who spoke here today, and some of their concerns. I  
17 think that the lack of formal policies and the lack of  
18 statutes or regulations where you have-- in West  
19 Virginia, I think there are 250 separate law enforcement  
20 agencies. A lot of them are very small. And it's  
21 just-- I think it's unrealistic to expect to have  
22 internal investigations of complaints in law enforcement  
23 agencies, some of which may be five, you know, six  
24 officers or even smaller. And I think that's something  
25 that probably needs to be addressed.

1           Perhaps there's some way to have a state  
2 wide, state level of investigation procedures for  
3 following up on complaints or at least tracking them;  
4 some kind of docketing of complaints so that people know  
5 where the complaints come from and what's ultimately  
6 done about them.

7           I'm aware of the lack of a procedure for this  
8 because of a couple of instances that have come across  
9 my desk. One involves an allegation of brutality by a  
10 municipal officer in the State of West Virginia that  
11 ended up being looked into by the State Attorney  
12 General's office, because the person involved couldn't  
13 find any other avenue for redress, other than to write  
14 to one of West Virginia's senators, who passed it along  
15 back down to the Attorney General. And it shouldn't  
16 have to go that kind of route. People ought to be aware  
17 of some kind of a procedure where they can file a  
18 complaint and know that it's going to get followed up  
19 on. And the fact that people have to write to United  
20 States senators to get some kind of investigation is an  
21 indication to me that there's a problem there.

22           The second concern has to do with recruitment  
23 of minorities. And the observation I make goes even--  
24 it's perhaps even preliminary to the question of is West  
25 Virginia doing enough? Are the various law enforcement

1 agencies in West Virginia doing enough to recruit  
2 minorities? And that is, do we even know what's being  
3 done or how well the law enforcement agencies are  
4 reflecting the make-up of our communities.

5 I couldn't find any basis, any data, state  
6 wide data, that's being collected today on the make-up  
7 of various law enforcement agencies. I suspect that  
8 the-- I know the State Police collect their own data on  
9 the ethnic and racial make-up of their officers. I  
10 suspect that at least the larger of the city and county  
11 law enforcement agencies probably do the same, in order  
12 to file the EEOC compliance documents. But as near as I  
13 can tell, nobody is collecting that at the state level.

14 If you set out today to find out, looking  
15 over the entire state how well various - particularly  
16 the small county and city police forces - are doing, I  
17 think you would have a very hard time finding the data.  
18 And so that's another area that I think that we're--  
19 some specific regulatory change probably can generate  
20 that data. There are two places where that can be done.  
21 I will submit that in writing to the committee, two  
22 particular agencies that I think have the ability to do  
23 that. But those were two observations I wanted to make.

24 And one other thing that I wanted to say that  
25 came up with the earlier panel, it has to do with the

1 Civil Service and the possibility of changing Civil  
2 Service laws. I think it may well be that some of the  
3 Civil Service laws could be-- I'm sure they could be  
4 improved. And it may be that it's time to take a hard  
5 look at the Civil Service laws and see if there aren't  
6 ways in which they're becoming obstacles to affirmative  
7 action. But I think that that should be approached with  
8 a great deal of caution. My sense is that what the  
9 Civil Service laws do is they limit the discretion of  
10 office holders. And when the discretion is being  
11 exercised by people who are trying to do something good.  
12 It can be an obstacle. But there are many, many, many  
13 instances where what the Civil Service laws are doing is  
14 preventing political cronyism, and in some instances  
15 preventing-- I've seen instances where, particularly the  
16 sheriff, was forced to hire minorities because of a high  
17 score, because the Civil Service law restricted his  
18 options. Where if that hadn't been the case, I think it  
19 wouldn't have happened like that.

20 And so I think that in examining how those  
21 laws might be changed, I think it's going to be real  
22 important to keep in mind that there's a double-edged  
23 sword there, and opening up discussion can sometimes be  
24 a dangerous thing.

25 MR. PITTS: Thank you, Paul. Next,



1 we'll move on to Que Stephens, West Virginia Human  
2 Rights Commission.

3 MR. STEPHENS: Good afternoon. First of  
4 all, I'm not a West Virginian. I was sort of replanted  
5 here because of the military and decided to retire in  
6 1989 because a fellow Rotarian thought this was the  
7 state to live in. And I sort of retired on a Friday,  
8 took Monday off, and was appointed by the Governor on  
9 Tuesday morning. I say that to say that I'm an  
10 appointed official, and that allows me to remain  
11 neutral, because sometimes if I get my gut feelings into  
12 what's going on, I lose sight of the true purpose for  
13 which I'm going to look at a community.

14 We are a very unique state. If you look at  
15 the demographics of the black population, Afro-American  
16 population, and compare it to another state in the  
17 union, there's no comparison. And the reason I sort of  
18 drew that up there, those Xs sort of give us an idea of  
19 where blacks live. That's really about it. If you look  
20 at these Xs, Logan and that colony and towards Beckley.  
21 And what's happening up here right now is that you have  
22 an influx of Jamaicans moving to the Martinsburg area.  
23 There's a large population of minorities up in the  
24 Wheeling area.

25 And as for me and my position on the Human

1 Rights Commission, I've been on almost every hollow in  
2 the state, and I carry with me two things: the Bible and  
3 a nine millimeter. I'm allowed to do that because my  
4 desire to enjoy my seventeen month old son, and my  
5 twenty-three year old daughter and my twenty-one year  
6 old son. I don't say that out of fear, because I'm not  
7 afraid of things. But as I interface people in the  
8 state and the way they approach me, the first thing they  
9 see is a guy who's 5' 11", who has hazel eyes, and who's  
10 black. Well, if you don't like me, that's your problem.  
11 I don't have to worry about what you feel about your  
12 problem. I'm trying to deal with what a citizen of the  
13 state sent me or asked me to come to listen to.

14 And by statute, I'm on two committees in the  
15 state. One is a woman's commission. I stayed out of  
16 this earlier because I didn't want to make a comment  
17 about this. Another is a law enforcement training  
18 committee. And that allows me to look at a lot of  
19 statutes.

20 And we were talking about training a little  
21 while ago. As a matter of fact, we just look at the  
22 basic course and see how many hours a trainee gets in a  
23 normal class. Last week was the first time an  
24 Afro-American taught at the Police Academy on a subject  
25 such as community relations and minority relations. I

1 was that person. I faced a class of some 40 plus white  
2 male students and men of the community.

3 It's not their fault. They come from--  
4 they've never had to interface with a black person.  
5 They don't know what they think about it, what their  
6 thought processes are, what their needs are, whether  
7 it's a middle class, upper class, or lower class, et  
8 cetera. So, a lot of things that I confronted in that  
9 class were unique to me. The average person I meet in  
10 the Charleston area understands that, because they deal  
11 with it every day. There are blacks around them.

12 But if you were to go to that class-- and  
13 that was the case, I went to that class to teach,  
14 because the committee allowed me to do that, law  
15 enforcement training committee.

16 In fact, this morning, the Governor's  
17 committee, the entire committee, met in Charleston, and  
18 that's where I should have been as well, but I felt it  
19 was very important to be here.

20 Sally is the Commissioner here in the City of  
21 Charleston. That's another uniqueness of this state.  
22 There are very few Human Rights Commissions in the State  
23 of West Virginia. If you were to go to the State of  
24 Florida, you would not have that problem, because the  
25 average citizen can go to the Human Rights Commission

1 and say I was beaten up by Officer Jones, present that  
2 to the council. That could be rectified.

3 Sally has her hands tied. We have a Beckley  
4 commission, you have the Wheeling commission, which is  
5 comprised of one lady and a typist. Sally has a small  
6 population of people. Beckley has a small population.  
7 And that's about it. Charleston. That's about it. And  
8 I'm the State agency. So, I spend a lot of time on the  
9 highway. I spend time in some of those communities  
10 resolving a problem.

11 And I will talk to a situation, and I will  
12 not identify the city, where the police force was all  
13 white males, had a complaint of not being able to  
14 recruit minority officers. And their minority  
15 recruiting process was unique, and it's that Civil  
16 Service thing again. They select those persons off the  
17 Civil Service list. It expires in a period of three  
18 years. Now, I think there's something wrong with the  
19 system, which means that the person might wait for three  
20 years before they can be looked at to become a  
21 policeman. So their excuse in those situations was that  
22 we cannot recruit minorities because, first of all, they  
23 must come off the list. Well, that's the system. And I  
24 think, again, we must go back to the law enforcement  
25 agency and tell them to look at that, because I think

1 that is, in fact, a problem. And if that's eliminating  
2 a population of people, then so be it. And we need to  
3 look at that.

4 If we don't look at that, then we'll continue  
5 to have meetings like this where people get at each  
6 other's throat. They have no-- you know, they forget  
7 their own feelings, they start reflecting on the '60s.  
8 If I were to reflect on the '60s, I would become angry,  
9 too, because I lived in Florida. I lived in  
10 segregation, the colored water fountain, and the  
11 explicitness of segregation.

12 Now, we're in 1991. We need to ascertain  
13 what things we need to resolve in 1991, to force up to  
14 par. There's some people who would not want to be a  
15 policeman because in the case of being a policeman means  
16 they might live away from their normal community, normal  
17 surroundings. There's some guys and ladies who would  
18 not desire to be troopers, because in the case of many  
19 troopers, they have to go to sites which are away from  
20 their normal communities. I've had an opportunity to  
21 talk to the one black State Trooper in the City of  
22 Martinsburg. He has to patrol an area where there are  
23 almost no blacks. And then I come into another problem  
24 dealing with the private club concept. So here, we have  
25 the one State Trooper who must go into a private club to

1 try to resolve a problem. Another problem, again. So  
2 not only do I have one case, I have two cases, because  
3 here we have a guy who's worried about his own safety in  
4 the environment, in the Martinsburg area, but we also  
5 have to think about the private club issue, and that is  
6 a problem in this State.

7 So again, my point is we are a very big  
8 State. We do not have a large population of people who  
9 are staying here. And what's happening, you've got 1.9  
10 white population, 65,000 blacks. By 1995, we will have  
11 40,000 blacks. And out of that population of young  
12 people and middle-aged and middle Americans, they will  
13 not stay here. Where are most of them going? They're  
14 going south. South and North Carolina and the State of  
15 Florida. They're not staying here. There's nothing to  
16 keep them here. That's part of our problem. As soon as  
17 we resolve the economics of it all, we can resolve a lot  
18 of other problems.

19 We get angry at things that sort of touch on  
20 us. Yes, I know about this city. I've spent quite a  
21 bit of time in this city. Yes, I know about the State  
22 Trooper's problem. I've read the suit, as with other  
23 suits. The Charleston problems, I've dealt with that as  
24 well. But I'm the guy that must remain neutral,  
25 regardless of the color of my skin, of my height, et

1 cetera. When I approach people of other cities, I  
2 approach them as they approach me. And don't call me  
3 buddy, don't call me chief, don't call me partner,  
4 because number one, when I approach a gentleman, it's  
5 Mr. Whoever and Ms. or Mrs. I think that's what  
6 happens.

7 It's that attack, the approach and then  
8 impression that young people get when they see an  
9 officer. Because the expectation from the beginning is  
10 the gun is there, the badge is there, and I've done  
11 something wrong. So that's the perception that's out  
12 there with the young people. The perception is, I have  
13 done something wrong, when, in fact, I might not have  
14 done anything at all.

15 We talk about the Charleston Police. There's  
16 a community in Charleston that's basically taken over  
17 their own community, which is a good concept. They have  
18 an advisory council. The president of that advisory  
19 council works for me on my commission. That's  
20 incidental. They decided to take their community back.  
21 Yes, the precinct is there, but the citizens, not the  
22 policemen, the citizens have taken their community back  
23 through a grant and through the involvement of the  
24 people. And I think that's what happened-- must happen  
25 in a lot of our communities. I'm not indifferent. I'm

1 just saying what those citizens did in that community,  
2 they took it back, because they knew they had control.

3 Those policemen, they do one on one. Yes,  
4 they speak in the morning. Yes, they say good morning,  
5 ma'am, good morning. They talk, they go into their  
6 homes. It doesn't mean they stop being policemen, but  
7 they have a relationship with the citizens of that  
8 community that makes everything wholesome. And if that  
9 does not-- if that does not prevail, you will not have  
10 the relationship of city and policemen. And I think  
11 that works good in a lot of communities. It's like  
12 returning to the old movies, the old concept with the  
13 policemen who lived in that community. He knew  
14 everything proprietor in the community.

15 If we return to that, then we will not have  
16 some of the problems we have. If you don't return to  
17 that, if they sit in the car keeping the engine running,  
18 going by Mickey Ds, getting hamburgers and wasting it  
19 all over their nice uniforms, then there is no  
20 relationship. There's no interchange. There's no  
21 respect. And that's what we've lost. We've lost a lot  
22 of respect.

23 I have a lot of respect for policemen, State  
24 Troopers. It's tough. It's tough out there. And I  
25 have a lot of respect for the black troopers and state



1 cops and sheriffs who are out there because they have  
2 two wars to fight. They're worrying about what the  
3 community thinks about them. They have to worry about  
4 filing with me on claims that they might think are wrong  
5 or right. And they have to worry about situations, as  
6 in the case in the community, where the police force  
7 took on the black community because of what was called a  
8 curfew. So, we can't-- you know, that's one that's  
9 coming up. If you keep your eyes in the newspaper,  
10 you'll see a magic story clearing up here pretty soon.  
11 Thank you.

12 MR. PITTS: Thank you. Next is  
13 Constance Burke, from the University of West Virginia.

14 MS. BURKE: First of all, I'd like to  
15 thank Don Pitts and the members of the panel who  
16 extended an invitation for me to come in.

17 When I was asked to come down and  
18 participate, my first response was, you know, I have a  
19 very busy desk. I have so many projects I'm running, I  
20 don't think I can do it. Then the comment was, you  
21 know, with your background as far as training and the  
22 things you're doing in the areas of ethnic minority  
23 training, I really feel that you have something to add.  
24 And all of a sudden, I heard a little voice talking to  
25 me because it dawned on me, yes, you are supposed to be

1 there. I had to remember that I am Afro-American.

2 It does not matter whether or not, you know,  
3 I live in Morgantown, West Virginia, whether I came in  
4 here from Chicago, Illinois, whether I was born in  
5 Winston-Salem, North Carolina. The fact that I'm  
6 Afro-American, this issue affects me. I can definitely  
7 be subjected to the police brutality, to the problems of  
8 being able to communicate and have effective  
9 relationships with police officers, as everyone is  
10 sitting here in Huntington. And therefore, with the  
11 training that I do have, I really felt it was necessary  
12 for me to come in and share with you some information  
13 that I think would be beneficial as you look at  
14 resolutions to the problems.

15 As Phil Carter, I'm one of the those social  
16 workers, so I believe I can heal all. And I think that,  
17 you know, what I have put together, you know, if you  
18 listen to me, everything will be all right.

19 Last but not least, you know, I came up  
20 during the '60s, so I'm a product of the Civil Rights  
21 movement. I can definitely remember, you know, always  
22 going to the back of the bus, the white bathrooms, the  
23 black bathrooms. I can always remember, you know, that  
24 superiority/inferiority status. I have always-- since  
25 the laws were passed and we were allowed to sit on the

1 front of the bus, I do not take a back seat anywhere.  
2 When I get in anyone's car, I will ask the white to take  
3 the back seat. I always want to be up front. For some  
4 reason today, I had planned to be last. And before I  
5 could get the last seat, this Afro-American gentleman  
6 took it from me.

7           Anyway, nonetheless, let me start talking to  
8 you. In listening to the people talk this morning, I  
9 have had the opportunity to sort of pull together my  
10 presentation as to what has been said. And everything  
11 that I have given a lot of thought to, everything that I  
12 have read, everything that I have researched, plays into  
13 what has been said today, which is good. But I'm going  
14 to-- definitely coming from that academic perspective,  
15 say add some more flour to what has been said here  
16 today.

17           You know, as I think about the conversations  
18 this morning, it was so amazing for me to listen to the  
19 apathy, the anger, the hurt, the frustration, and the  
20 indifference that was coming, you know, from the  
21 conversations that people were having. And as I  
22 listened to the presentations this morning, I also  
23 listened to people when they started their presentations  
24 with the discussions of white supremacy and white racism  
25 and institutional racism. I felt as I pulled together

1 my presentation that it would be most significant  
2 knowing that my area is culture sensitivity, culture  
3 competency training, that I not make comments with  
4 regards to institutional racism. Because we have to  
5 understand as we talk about the situation here in  
6 Huntington - and that it is national - how institutional  
7 racism plays a part on how police officers think, how  
8 police officers interact, and how we, as Afro-Americans  
9 and/or ethnic minorities, respond to them because of  
10 what institutional racism has done to us.

11 So what I decided to do was I went back,  
12 because I believe-- I'm not from Missouri, but people in  
13 Missouri, they say, tell me. You have to show me. So  
14 what I did was I went back and I pulled some excerpts  
15 that I wanted to share with you. And these excerpts,  
16 you know, were pulled from some materials that were  
17 listed back in 1981, but it's so prevalent for what's  
18 going on right now in 1991. These excerpts are from a  
19 report entitled "Balancing Crimes: A National Symposium  
20 Sponsored by the National Organization of Black  
21 Enforcement Executives," known as NOBLE.

22 Now, let me also insert this. There was a  
23 discussion earlier this morning and someone said why not  
24 bring NOBLE here. And the person responded, well, we're  
25 not affiliated with NOBLE. You don't have to be

1 affiliated with NOBLE, nor the Association of Black  
2 Police Officers to bring them into Huntington to do any  
3 type of training or help you develop policies that  
4 relate to your problems, your human relations, and/or  
5 training issues or concerns that you might have. These  
6 comments, and if you listen to them very closely, you're  
7 going to probably remember have they affected you back  
8 maybe ten years ago. But what is so important is you're  
9 going to see how still today, they're here with us.

10 History tells us that the white majority has  
11 consistently felt compelled to use economic and  
12 political power, including the criminal justice system,  
13 to maintain the authority over the racial minorities in  
14 America. The plight of minorities is affected by the  
15 system of racial beliefs and ideologies that provide the  
16 nation's major political, economic, and cultural  
17 institutions. Crime continues to be a major problem in  
18 America. When looked at from the black perspective,  
19 crime takes on a uniquely significant meaning. Not only  
20 are members of the black community disproportionately  
21 arrested for criminal violations, but victimization  
22 studies have consistently revealed that blacks are also  
23 more likely to be victims of crime. Clearly, crime,  
24 like many other social problems, impact  
25 disproportionately on the black community, those least

1 able to bear the burden.

2 Blacks and other minorities are  
3 disproportionately killed by the police in proportion to  
4 their numbers in the population. The Chief Justice of  
5 the United States warns us that like it or not, today we  
6 are approaching the status of an impotent society, whose  
7 capability of maintaining elementary security on the  
8 streets, in schools, and for the homes of our people is  
9 in doubt. The Chief Justice further tells us that crime  
10 and the fear of crime have permeated the fabric - oh, I  
11 love that, permeated the fabric - of the American life,  
12 damaging the poor and minorities, even more than the  
13 affluent.

14 The challenge that confronts us here is not  
15 unlike the one given to the nation by the apostle of the  
16 non-violent Dr. Martin Luther King, Jr., whom we talked  
17 about this morning. I did make note when the comment  
18 was made that when Martin Luther King was out fighting  
19 for Civil Rights, that it did not touch the State of  
20 West Virginia. That is very true. The Martin Luther  
21 King movement only touched the State of West Virginia  
22 through legislature. And as I do my training and I have  
23 been here for maybe about-- oh, maybe 14 years, you  
24 know, within the state, that's something I have  
25 definitely noticed. And that is the attitude with

1 people in the state when it comes to Civil Rights and  
2 how the '60s affected the mentality of people here.

3 Dr. Martin Luther King, Jr., when he said,  
4 "America must re-examine old presumptions and release  
5 itself from many things that for centuries have been  
6 sacred. For the evils of racism, militarism, poverty,  
7 to die, a new set of values must be born." This is what  
8 we're going to hit on as I talk further, and that is  
9 values.

10 In fact, that's what you all have talked  
11 about today. It is values. Violence begets violence  
12 and sensitivity towards people-- we're going to talk  
13 about insensitivity, and that's what you all have talked  
14 about all day is insensitivity. Insensitivity towards  
15 people, even if it's exhibited in foreign policy, can  
16 easily rub off on attitudes in domestic life. If most  
17 of mainstream America is indifferent about violence and  
18 the precariousness of human life, what kind of behavior  
19 can be expected from those who aren't able to become a  
20 part of the mainstream America.

21 There's nothing more devastating and which  
22 poses a greater threat to the maintenance of social  
23 order in America than racism. Despite some racial  
24 progress, a system of racism has remained prevalent and  
25 entrenched with deep roots, spreading like a cancer.

1           Next to the last, I want to say this because  
2 as I was coming down this morning with Marsha Pops and  
3 with Don, we were discussing the media. Because, you  
4 see, I contend that the media has done a lot to destroy  
5 the value systems and the way we see each other.  
6 Historically, the media has played a significant role in  
7 how police officers see black people and how black  
8 people see police officers. This is what the media has  
9 done. The media is an institution, just like other  
10 institutions. As such, it is inherent in its existing  
11 practices of systemic racism.

12           Just like it is practiced in other  
13 institutions, it has the first amendment to protect it.  
14 And as the good old Turner report has implied, because  
15 it has that right, it has an even greater responsibility  
16 to rid itself of its racist practices and thereby  
17 presenting the nation with a realistic view of its  
18 problems.

19           When the media fails adequately to present  
20 the problems affecting minorities, it denies minorities  
21 their rights of freedom of speech. As the Turner report  
22 also stated, when the media failed to report the  
23 conditions leading to the riots of the '60s, it not only  
24 denied blacks their rights, their freedom of expression,  
25 but it also denied whites the knowledge of what had been



1 occurring to a race of people since the Emancipation  
2 Proclamation, and the beat goes on. The clock ticks on.  
3 And the media is still portraying blacks and other  
4 ethnic minorities in negative terms.

5 The incident that I can refer to was in  
6 Washington a few weeks ago. Go back and see what was  
7 written. When a true assessment was given of the  
8 picture of the police officers, the hispanics and how  
9 the blacks were involved, the media had destroyed the  
10 entire situation.

11 Last but not least, as we sit here today and  
12 talk, we have a gentleman who I'm quite sure the  
13 Commission is very, very aware of. His name is Arthur  
14 Fletcher. Arthur Fletcher. This I took as I was  
15 traveling out to the University of Nebraska to do some  
16 teaching on April 30th of 1991. It says, "Rights Panel  
17 Chief Calls USA Racist." The USA is a racist nation  
18 with the worst climate to Civil Rights in the last 40  
19 years. The US Commission on Civil Rights, Chairman  
20 Arthur Fletcher, said: "Racism is ingrained in our value  
21 system and is likely to be there for a long, long time.  
22 It is aggravated by the poor economy and media  
23 stereotypes that lead people to think most addicts and  
24 convicts are black."

25 I have been given my little signal, so I'm

1 going to have to wrap up in-- that's why I wanted to be  
2 last, so I could have the rest of the minutes.

3 Anyway, let me wrap up and tell you exactly  
4 what would come after this. As I talked to you about  
5 institutional racism, you have to keep in mind that that  
6 is how we develop our stereotypes, our prejudices, our  
7 discriminations, and our value systems about other  
8 people. We have to go back and keep in mind that the  
9 police officers are stereotyped and we are stereotyped.  
10 And since this is going to be a written report, there  
11 will be about 75 pages that I will submit to the  
12 Commission.

13 We have to let you know that those  
14 stereotypes that police officers have of us that I have  
15 documented from literature, I have also gone back and  
16 documented the stereotypes that we have of police. I'm  
17 going to say this to you: we're both paranoid. The  
18 MMPI, which is a personality test that is given  
19 throughout the United States and highly respected,  
20 always wants to let it be known that blacks are  
21 paranoid. If you will look-- if you get a chance to  
22 read the report and you see the stereotypes or the way  
23 that police officers see themselves and the way we see  
24 them, we are definitely, you know, paranoid. The  
25 combination of the two means that there are problems.

1           The rest of my information, you can read in  
2 the report. Please make sure you write for it.

3           MR. PITTS: Each commentator here will  
4 have an opportunity to answer questions. Plus any  
5 further comment that is not made here verbally, will be  
6 hopefully sent to us and it will be appended to their  
7 verbal statement. Thank you.

8           Next is William Dotson, Director of  
9 Huntington Housing.

10           MR. DOTSON: I was going to talk a  
11 little bit-- I told her she could have mine. She's  
12 doing great. I am going to talk a little bit about the  
13 local situation. Dallas Staples, I think, pretty well  
14 summed it up that the tone is set at the top. And I  
15 felt-- she referred to it, she was referring to material  
16 that was generated in 1980, 1981. I felt that we've had  
17 a serious problem with affirmative action and Civil  
18 Rights, in general, in this country since, I hate to say  
19 it, since Reaganomics or since Reagan began espousing  
20 that there's no need for affirmative action. We've done  
21 all we need to do with Civil Rights.

22           That tone has translated down to us here in  
23 the trenches that have to work and try to make ends meet  
24 on a daily basis. And I'm not-- these are just my  
25 general observations as a housing professional in the

1 Reagan years. And I want to say that Reagan's safety  
2 net, his whole program about safety net, was also a  
3 blatant form of racism. I just felt like that that was  
4 a situation that could not have helped anybody,  
5 especially the minority problems in this country. I  
6 also want to say that I feel that Huntington is  
7 fortunate to have exited what Arley was talking about,  
8 the good old boy system, and actually hired a  
9 professional individual that has three things:  
10 knowledge, skills, and ability. In my observations  
11 about what I've heard here today about police hiring, is  
12 just change the system. Let's make sure that we are not  
13 looking at just a knowledge base, not just testing, but  
14 let's look at their experience and their skill levels,  
15 also. And there's ways to do that. It can be done.

16 The primary reason that I'm here today is to  
17 talk a little bit about community relations as it  
18 relates to us. I'm the largest landlord in the city.  
19 We have about 966 low income, very low-- housing for  
20 very low income people. In the Fairfield West area,  
21 which a lot of the information was discussed this  
22 morning, as all of you know, we put together a  
23 cooperation situation with the local police department,  
24 where we actually put a police precinct into one of our  
25 public housing units.

1           There's been a lot of discussion about  
2 whether or not that did any good or not, whether or not  
3 it's helped to improve relations between the black  
4 community. And I really can't say the black community,  
5 because Fairfield West is not just a black community.  
6 It's a mixed community. And you know, there's-- what  
7 we're trying to do in public housing is to actually try  
8 to put more white people into the Fairfield West  
9 apartment units that we have, because there is a  
10 preponderance of black people.

11           Now, the thing that I have observed in  
12 Huntington since I got here in 1985, is that the black  
13 population is pretty well confined to one very narrow  
14 section of this city. And you were referring to where  
15 the black populations are in West Virginia. That's very  
16 true here in Huntington. You leave-- well, anywhere  
17 from Twenty-Third Street in Huntington to, what, about  
18 Tenth Street, you won't hardly find any other black  
19 people living anywhere else. Now, that is blatant. And  
20 that is ingrained in this city. And that's a major  
21 problem that we have to deal with. And that is part of  
22 the process that we are having to deal with in our local  
23 police department now. You know, why bother? Why  
24 bother? And I think that this is something that we've  
25 really got to communicate is that we have to bother,

1 because these are people that have rights and privileges  
2 and should be adhered to.

3 I cannot say that the police precinct is  
4 going to improve community relations between the black  
5 community and the local police department. But what I  
6 can say is that there's more opportunity now for that  
7 interaction to take place. And in order to have  
8 relationships, I think you have to have interaction.  
9 There's more opportunity for that relationship to  
10 develop and to develop in hopefully a positive manner  
11 than there was whenever-- when was it, April that we put  
12 this-- March, that we put this in? So, we at the  
13 Housing Authority are committed to trying to do  
14 something about creating a more positive relationship  
15 between the Fairfield West community and the police  
16 department, because it's such a big factor for us and  
17 the mission that we have to do in housing very low  
18 income people.

19 I want to comment a little bit about what  
20 Dallas was talking about, knowing the people you serve,  
21 you know. We've got this police precinct in our  
22 community, but it's like Ms. Reynolds was saying this  
23 morning, we don't see these people. We don't see them  
24 out and talking and relating. They're not relating.  
25 They are, I guess, policing.

1           But we would encourage-- if there's going to  
2 be solutions to this particular thing, I think one of  
3 the things that we're looking at is that we would  
4 encourage foot patrols. We know that they have to have  
5 the cruisers and that kind of thing, but we encourage  
6 foot patrols. We encourage the local police department  
7 becoming involved in community activities and things  
8 that's going on in the Fairfield West area, become a  
9 part of it. What Dallas was talking about, forging  
10 partnerships with local coalitions and local interest  
11 groups. This is all very important. Local recreation  
12 systems and teams and that kind of thing.

13           I think this will go an extremely long way,  
14 and at least we have a chance now to-- you know, we have  
15 a ball park to play in now. I think two years ago, we  
16 didn't even have an opportunity to look at relationships  
17 between the black community and the police department.  
18 There wasn't an opportunity there. At least we have an  
19 opportunity now. I think that's-- that's my general  
20 comments.

21           MS. POPS: If it's appropriate, if each  
22 of your speakers have spoken, may I introduce my guest  
23 and ask him to follow-up on what William Dotson has  
24 addressed, the issue of resolving and improving the  
25 police community relations. Knut Sandjord is from

1 Norway, is a police inspector, visiting in Morgantown  
2 and my probation office this summer. And although he  
3 hesitates to talk very long in English, he has listened  
4 very intently all day today and is very fascinated.  
5 Knut, could you stand up?

6 SPEAKER: Make him talk.

7 MS. POPS: He's very fascinated by what  
8 he's heard, and I think does have something to share in  
9 terms of some of the things going on in Norway, along  
10 these lines.

11 MR. SANDJORD: First of all, we are  
12 doing it a little bit different in my country than you  
13 are doing it here in America. As Marsha said, I attend  
14 to detectives working in the city where I'm coming from.  
15 It's a small city like Morgantown, and we have all kinds  
16 of cases. We have a very good relation between the  
17 community and the police. That's very important. We  
18 also have bad policemen and we have good policemen. And  
19 if some-- if you have some complaints against the  
20 policemen, I will take a report and I will send it to an  
21 independent committee.

22 Before several years ago, we had the police  
23 take care of it. But, you know, it's not good, I'm  
24 scratching your back and you're scratching mine. So,  
25 the government in Norway said from now on, we will have



1 an independent committee and we have regulators and  
2 detective inspectors and we have a lawyer. And if you  
3 have some complaints, we are sending it over to the  
4 independent committee. We are doing all of the  
5 investigation. And they will send their results to the  
6 district prosecutor, so he will take care of it.

7 So, we are doing it in this way in Norway. I  
8 think it's much better to do it that way. We need to  
9 have someone looking over our shoulders to see what we  
10 are doing. It's been very interesting to be here today.  
11 I'm not that good in English, but I'm just trying to do  
12 my best. I understand there's a lot of problems here in  
13 America and certainly maybe in this city. And I have  
14 been on the police force for 23 years. I have seen a  
15 lot and I understand it's not the tip of the iceberg,  
16 maybe. And I understand there's a lot of problems. I  
17 wish you good luck.

18 MR. PITTS: Connie, Michael Ross was  
19 supposed to be our next speaker. I know that Mike was  
20 involved in something else over in Beckley tonight. He  
21 had to leave. Connie, I will take-- since I'm the  
22 leader-kind of fellow, I will give you a few more  
23 minutes, if you wish to add any more to your oral  
24 report.

25 MS. BURKE: Let me do this, let me try

1 to wrap up exactly what I was going to share with you,  
2 because I think what I'll do is, I'm going to synthesize  
3 what I have. But it's going to really play into what  
4 we've said today. The rest of my presentation would  
5 have dealt with two solutions, and then some  
6 recommendations. The recommendations I'm going to share  
7 with you.

8           The two solutions were that I really feel  
9 that after I listened to people talk today, that the  
10 resolution that the Huntington community-- police force  
11 and the community definitely review the community  
12 police-- police community philosophy. It's a must. As  
13 I listened to you all talk this morning, it would really  
14 work. It could really work here. The only thing is  
15 that if you understand the way it operates, it must  
16 start with your chief, and it has to go all the way  
17 down. There must be a commitment. That commitment has  
18 got to be that regardless of maybe what has transpired  
19 10, 15 years ago, this is a new day. You see, it's got  
20 to be going back to the community saying, I am for real.  
21 My police department is for real.

22           In the materials that, you know, you will get  
23 and I know you all have asked to have copies, I've even  
24 outlined for you the differences between traditional  
25 policing versus community policing. And if you see what

1 community policing is, I guarantee you it was said to  
2 you all this morning, what have you done to bring about  
3 a change? If you see what you can really accomplish  
4 with your police department by instituting this  
5 approach, you would do it. It is definitely something  
6 that can be used. Because in my report, I'm going to  
7 cite for you eight different other states that have used  
8 it and is being used effectively.

9 Last but not least, I was gong to talk you  
10 about multi-cultural education training to break it down  
11 so you will understand the components. I think it's  
12 very important that consumers who were in here today,  
13 understand that when we talk-- you know, you've heard a  
14 lot of terminology here today. It's very important for  
15 you to understand how this terminology is broken down so  
16 that you can go back and regurgitate it. So the report  
17 that you're going to get from me, allows you to go back  
18 and talk with anyone about the terms that I've given  
19 you.

20 One thing that was said today and I'm going  
21 to take issue with, in multi-cultural education, we have  
22 the tendency to say, do training. We change values  
23 through cultural competency training which is awareness,  
24 which is knowledge, and which is skills.

25 Awareness is allowing us to say look at our

1 value systems, where we come from, our identity, and how  
2 it affects how we relate to other people.

3 Knowledge is culture and specific related  
4 information. Someone made the statement this morning  
5 that if two police officers had been operating in a car,  
6 that you find out that you all are the same. That is  
7 not so. You see, you might be the same when it comes to  
8 Maslow's hierarchy of needs. You know, basic needs are  
9 the same. But I guarantee you, we have culture  
10 differences. And this is why you have a problem now  
11 with police officers that represent the dominant society  
12 is that they do not understand those cultural  
13 differences that are so unique. And you must understand  
14 them from the moment you walk in to say hello to a black  
15 person until you walk out that door and say goodbye and  
16 thank you. That is all outlined for you, too.

17 Last but not least, I was going to give you  
18 some recommendations because, as I talked to Washington,  
19 DC, I was asked to go back and review training. Well, I  
20 have reviewed training, say, over the United States. If  
21 there is a program out there that has done anything  
22 worthwhile, I've talked with them. I've got about three  
23 states that I received from the National Police  
24 Foundation as far as states that we, the State of West  
25 Virginia, not just Huntington, could look at. That

1 material, I'm going to submit.

2 I've looked at the training that has been  
3 done within the State of West Virginia and the training  
4 that has been done in Huntington, and other states, in  
5 other cities, very closely. Based upon what I know has  
6 been done by Dr. Cleckley, based upon what I know has  
7 been done by the minister who did something before you,  
8 and based on the fact I know exactly what Que Stephens  
9 has in his training that he does as of now. What Que  
10 has done, and let me give you a compliment as I reviewed  
11 your training, Que has definitely gone back and in his  
12 training, he has touched something that in the ten years  
13 this training has been done in the State of West  
14 Virginia, he has gone back and addressed institutional  
15 racism. Racism was a part of the discussion. Racism  
16 was a part of his training materials. It has never been  
17 mentioned in any other training that has been done--

18 SPEAKER: It was mentioned in our  
19 training.

20 MS. BURKE: In your training, that's  
21 right. When I talked with Betty this morning, she  
22 brought it up because we talked about perceptions. Let  
23 me say this, as I talk with people throughout the State,  
24 that what Betty did for eight hours, it's a start. What  
25 Que is doing, and Que teaches like two classes, and

1 those two classes are only two hours each. He teaches a  
2 class in community relations and policing and community  
3 relations and ethnic minorities. That is four hours,  
4 and that is all that a police officer gets in the State  
5 of West Virginia when he comes to see human relations  
6 and working with ethnic minorities. From there, they go  
7 out and their own communities have the obligation to  
8 give them eight hours of training.

9 I have talked with people over the State. I  
10 have talked with people who even look-- review materials  
11 as far as in-service training. You do not have anything  
12 coming across a desk that looks at human relations  
13 training or working with ethnic minorities. It is not  
14 there. Something has got to be done. I'm going to give  
15 you my recommendations that I'm going to submit. This  
16 is the recommendations that I'm saying what should be  
17 done as far as training, the training curriculum. This  
18 should be sent back to the State, not just to  
19 Huntington. But it needs to go back to the State. And  
20 I will give you my recommendations and I will feel very  
21 satisfied that I have given you all of the report today.

22 My recommendations are that the State needs  
23 to recheck the West Virginia statute, because there is a  
24 statute on training. It came out in about 1981, I  
25 believe. The mandate that follows improvements as far

1 as looking at training within the state for people who  
2 work in law enforcement, not just police officers, but  
3 all your people who work in law enforcement, all under  
4 the guides of this training. And these are the  
5 recommendations that I give: A, that cultural  
6 representation must be among police instructors. If  
7 you're going to go back and do any training, you must  
8 have people such as Que, Betty Cleckley, Phil Carter,  
9 they must be there, because of the significant-- because  
10 of the subject matter.

11 Specialized training, increase-- you must  
12 increase the number of hours designated for training on  
13 ethnic and culture groups. The norm in the nation is  
14 three. West Virginia looks good because she has four.  
15 It does not alter the fact that nationally, this is an  
16 issue. Across the nation, police officers are having  
17 problems. What is it? They really are not being  
18 sensitized.

19 The integration of concepts relating to  
20 ethnic and racial bias into other courses in the  
21 criminal justice standards and training curriculum,  
22 which means that every course that is taught - and there  
23 are about maybe 70 some courses taught right now through  
24 the West Virginia State Training Academy, it's 495 hours  
25 - every course is supposed to touch human relations and

1 working with people. I don't care whether it's stopping  
2 somebody on the street. I don't care whether it comes  
3 to deadly force. You must integrate this type of  
4 training.

5           Also, when you think about integrating this  
6 training, you address your high risk areas. Now, the  
7 chiefs of police have gone, but anyone who works in  
8 criminal justice, anyone who works in a police  
9 department, knows what high risk areas are. Your high  
10 risk areas include police ethics and professionalism,  
11 powers of arrest, community relations, cultural  
12 relations, field stops, interviews or interrogations,  
13 use of force, use of deadly force, verbal commands and  
14 compliance, prisoner transplant and processing. These  
15 topics tend to create the most difficulty for police and  
16 citizen interaction. The vast majority of complaints  
17 concerning police and citizen interaction come from  
18 actions within these topics. This has been documented.  
19 Therefore, when West Virginia goes back and looks at  
20 training curriculum, they must look at these areas here  
21 and definitely make sure that they address cultural  
22 sensitivity training.

23           The integration-- the re-classification of  
24 racial and ethnic relation topics as proficiency areas  
25 subject to serious standardized testing. If you go back



1 and review training curriculum in West Virginia and  
2 across the nation, most of it is nothing but orientation  
3 or just being familiar. You cannot really work with  
4 people effective by just having orientation that I am  
5 black. You must really have a proficiency  
6 understanding. You can take the type of training that I  
7 am talking about and it can be proficiency based. And  
8 when I submit my record, I am going to give you examples  
9 of proficiency training that is being used, a  
10 proficiency curriculum that is being used, within the  
11 United States.

12 The development of standardized uniform  
13 specific and culturally sensitive lesson plans and  
14 instructor's guides in high risk critical task areas,  
15 which are identified as important because of their  
16 effect upon the minority community, as well as  
17 monitoring an inspection of the classes covering the  
18 areas.

19 Insuring all videotapes and other materials  
20 used in race ethnicity related training are updated.  
21 When I did my investigation, I found that the people  
22 were still using videotapes that went back to 1960, and  
23 the end of the 1950s.

24 The initiation of community interaction  
25 sessions at each training center through community

1 components in the training classes. This is what people  
2 ask for today. How can the community really get  
3 involved? The community gets involved in training. And  
4 what is suggested is that you don't really say, bring  
5 people to the academy. You take the police officers to  
6 the community.

7 Last but not least, you know-- and I've got  
8 three more, but I'm going to make this the last one. We  
9 have a tendency to feel that chief executives, including  
10 sheriffs and police chiefs, do not have to have  
11 training. And do you all know in the State of West  
12 Virginia, that the chief of police and the sheriff does  
13 not have to have training? And this is the man who is  
14 the role model. And I say man, because we don't have  
15 one female in the State of West Virginia who's the chief  
16 of police anywhere.

17 But anyway, but this individual-- and this is  
18 not something just in the State of West Virginia. You  
19 find this nationally. That the man at the top who sets  
20 the guidelines, who's the role model, who develops the  
21 principles, does not have to have this type training.  
22 Well, as of now, according to the recommendation I'm  
23 giving, in the State of West Virginia, the chiefs and  
24 sheriffs and anyone who sits in an administrative  
25 position, will have ethnic cultural sensitivity

1 training. Thank you.

2 MR. PITTS: At this time, we'll open the  
3 floor up for questions of the panel.

4 SPEAKER: I'd like to ask anyone on the  
5 panel, and this is geographically specific, what ought  
6 to be done with the precinct? I believe the precinct  
7 will work. I know the precinct is not working now.  
8 Based on your professional observations, what needs to  
9 be done? Two or three things that can make this thing  
10 work?

11 MS. BURKE: Do you know what shocked me,  
12 Phil? When I did my investigation, I asked how officers  
13 were placed at that precinct. That's the question. I  
14 was told that they went there of a voluntary nature.  
15 Today, I heard just the opposite. I heard that there  
16 was a lot of resistance to them being there. So,  
17 there's a conflict. And I think we need to go back now  
18 and really see how the police officers were really  
19 placed there.

20 Because if you're going to tell me that a  
21 police officer volunteered to go, then he's going to go  
22 in there with a certain mind set. If you're going to  
23 tell me you sent him in there out of punishment or some  
24 other reasons, then you can expect him to go in there  
25 and react a certain way. I think, you know, as I look

1 at the situation-- because I think it's ideal. I've  
2 talked to people who, you know, are in that community,  
3 and definitely I've talked with the police department.  
4 But once I heard that conflict today, my mind went back  
5 to we need to really check and see how the police  
6 officers are placed there. Because their mind set, once  
7 they go into that situation, has a lot to do with the  
8 services they're going to give. And if they feel  
9 forced, then I guarantee, they're going to react as  
10 people are saying. They're not out visiting the  
11 community. They're not really talking to people, et  
12 cetera.

13 MR. STEPHENS: I think it should be a  
14 rotational duty of a prescribed time, which would make  
15 sense to me. As in the case as the lady who indicated  
16 this morning that an officer was in the community and  
17 didn't know where he was, which would tell me if I'm a  
18 policeman, I should know everything about Huntington. I  
19 should know where every nook and cranny is in the city.  
20 So that instead of me taking 15 minutes to get  
21 somewhere, it would now take me 10 minutes, because I  
22 know specifically what hundred block where a house is or  
23 what street that is. So, my concept would be you rotate  
24 that duty.

25 If you want to do your in-service training,

1 prior to that officer or a group of officers going to a  
2 community, you make them more sensitive to people. So  
3 your in-service training falls before you go to a  
4 certain community, and it doesn't matter whether it's  
5 black or white. I think it should be a rotational duty.  
6 So, I think that's a solution, to make it rotational.  
7 We don't have to-- you know, I keep bringing up this  
8 unique thing.

9 We don't have to deal with a hispanic  
10 population, Asian population. I go to a lot of cities.  
11 I was in Houston. There are communities there that are  
12 totally hispanic, totally Asian, totally black, totally  
13 white, and those officers deal with it differently. And  
14 they have their ways of dealing with it and a lot of  
15 them rotate. So, I would say doing a rotational-- go to  
16 a rotational basis as opposed to another concept.  
17 Because in the Wheeling community, they knew those two  
18 white policemen, because they never-- those two  
19 policemen were-- their duty was in the black community.  
20 And that's what perpetuated the problems they had in the  
21 Wheeling community. Those two white policemen, who they  
22 knew, everyone knew they were troublemakers, and it  
23 never got better. They never rotated the officers. So,  
24 I would say rotate the duty.

25 SPEAKER: You know, I'd like to bring

1 something else about that outfit that moved into  
2 Washington Square. The chief called a meeting of  
3 certain people in the community. I happened to be on  
4 hand that day. And it was suggested that we would get a  
5 larger place. That place is inadequate. However, we  
6 ended up in your place. Okay. But the main thing is  
7 this: sometimes we assume that even the Mayor of the  
8 City might be gung hoe. With just a little bit more  
9 pressure-- and I take responsibility for this, too,  
10 because I'm a citizen and we should pressure the City by  
11 putting that in the 7-11. All kinds of space around it,  
12 larger to deal with, too. Okay.

13 But the main thing is this. The Mayor of our  
14 City is trying. The chief of police-- I don't know if  
15 some of you know this or not. When somebody new moves  
16 into a city, on the job, that person has to  
17 differentiate between what is it, you know? Okay. Now,  
18 the main thing is this, I knew what had happened, years  
19 ago. We had a new chief of police to come into  
20 Huntington. He had no sooner sat in his seat, some of  
21 his lieutenants and captains came in and said, come on,  
22 go with us. He said, where are we going? They said,  
23 never mind where we're going, come on. When he came to  
24 himself, he was up in black's town, people, that's  
25 Fairfield West. Knocking out property, and knocking

1 some heads, too. Now, that new chief-- and by the way,  
2 the whole thing had to do, really, make the chief, new  
3 chief, look bad. Poor man didn't know any better. But  
4 we went-- then the NAACP went to town on that case. And  
5 they did something about it. But the main thing is  
6 this: we have to consider all of them, and ourselves,  
7 too. Sometimes we are not too good on ourselves.

8 MR. STEPHENS: Not speaking down on  
9 Chief Wade, I met him the day he took office. And I  
10 came here purposely. In fact, I go to a lot of cities.  
11 No one ever knows I'm there, because I like to interface  
12 with police chiefs and mayors, and I don't let them know  
13 I'm coming. I just show up. And they can't run me  
14 away. They can't say they're not available. So, I'm  
15 just there on their step. I met him on the day that he  
16 arrived in office. I felt on that day, after talking  
17 for two hours, that this man would be a good welcome  
18 change for the City of Huntington, and a lot of things  
19 told me that. I don't live here, but there are a lot of  
20 things that indicated that to me.

21 One, he was not a West Virginian. He was  
22 not-- he had not been bothered by some of the problems  
23 of the inner city of this community, of this state. So,  
24 he had a new, fresh impression of the city. He came  
25 from St. Louis. If you've ever gone to St. Louis, St.

1 Louis is separated, too. You have East St. Louis and  
2 St. Louis. So, this man had been in an environment  
3 where there was a black population. He had dealt with  
4 that. He gave me things I felt were right, and said he  
5 was going to do.

6 He cannot change the city overnight and you  
7 know that. He's not going to change the city in a year.  
8 And we are not going to change West Virginia in ten  
9 years. Okay? But you don't lose your energy. That's  
10 my thing. I don't give up. I don't lose my energy. I  
11 never get tired. My wife wants me to rest. I don't  
12 care to rest. I'll rest when I die. My responsibility  
13 is to this state. And I think his responsibility-- he  
14 can't answer a lot of the questions.

15 We attack him or some people attack him. He  
16 can only respond to what he knows. If you do not-- if  
17 he said-- if the lady who lives in the community said,  
18 well, I cannot get an answer. Then if I was living in  
19 that community, Fairfield, I would have called his  
20 office. I would have gone to his office. If he has an  
21 open door policy, I would insure that it worked.

22 SPEAKER: He does have.

23 MR. STEPHENS: That's what I would have  
24 done instead of trying to deal with these three  
25 policemen down there who would not leave their little



1 office. Some people do that out of fear. Why bother?  
2 You know, why should I go out there? Let them kill each  
3 other. And that's the perception. So, the citizens  
4 have no respect for him, then they don't want to go to a  
5 certain state agency or city agency, because they'll say  
6 we can't get anything out of them.

7 That's why I find it easy-- I like jobs like  
8 this. This is tough. All you do is go up. You can't  
9 go down. If it's bad, everything you do is good, if you  
10 work at it. I think he's making an effort to work at  
11 it. You help him. You help him. I've seen you on two  
12 occasions. You're very vocal. You help him. I'm sure  
13 after he gets through listening to you, you are going to  
14 help him. You've got Phil down here. Phil is going to  
15 help him, too. So, you all help each other and help him  
16 get things right.

17 SPEAKER: May we suggest that those--  
18 there are others who can also help. Because if he falls  
19 victim to, "don't use Phil Carter," he's lost.

20 MR. STEPHENS: You know Dr. Carter. You  
21 know him. You've known him for quite a long time.  
22 That's the point. You brought up this thing earlier  
23 where you indicated why don't you get this certain  
24 population of people. Sometimes it's good to get a  
25 fresh face who has a great educational background.

1 There's nothing wrong with that. That means they're not  
2 influenced by what has happened in the past. If I don't  
3 know what's happened in here in 1985, then I'm not  
4 affected by two sides-- I mean, by one side. I'm  
5 affected by two sides. I can hear both sides.

6 If I was physically here in 1985, and you say  
7 something and I would say, well, she's crazy, because I  
8 was here in 1985, and I know what was going on around  
9 here, because Mary Jones told me. Well, that's not the  
10 case.

11 If it's a fresh face that was not physically  
12 here-- and I think that's what's happened with Chief  
13 Wade. This man is trying. He's finding it tough  
14 because he's surrounded by this corruption and whatever.  
15 So work with him. And if you see he's wrong and you  
16 feel the citizens feel it's wrong, then you find guys  
17 like me and call me up and say Que Stephens, get down  
18 here, and I will get down here.

19 MR. CHUN: The question first to Mr.  
20 Stephens and then maybe you may respond. I assume-- I  
21 understand that the issue of employment is  
22 jurisdictional for the State Civil Rights commission; is  
23 that correct?

24 MR. STEPHENS: Yes.

25 MR. CHUN: Then since we have this

1 morning and this afternoon, had allegations of  
2 employment barriers, since we are here this morning with  
3 employment barriers in the form of discriminatory tests,  
4 are you planning to do anything about that? Are you  
5 planning to look into that at a State level?

6 MR. STEPHENS: Yes. Already two courses  
7 of action have been taken from my office. One, there is  
8 a complaint from a citizen saying I was not allowed to  
9 be a policeman because of something. The other is I  
10 have heard by rumor or some other means, let's say, from  
11 the Governor's office, sent him a letter physically  
12 saying that the person was not allowed to be employed by  
13 "X" sheriff's department because of a test. Then I or  
14 one of my investigators would physically go to that  
15 agency and see what the problem is on the part of the  
16 Human Rights Commission, and file a complaint.

17 MR. CHUN: My question was specific.  
18 I'm sorry I didn't phrase it right. We heard that there  
19 are currently screening tests in use. And that there's  
20 alleged to be a stereotypical pattern of practice. My  
21 question has to do with the State Human Rights  
22 Commission going to look into what extent the procedures  
23 in use are discriminatory, and second, to what extent  
24 are there alleged differential promotions. Que, that  
25 question is for you and the same question to Mr.

1 Sheridan, to you, and are there any other State agencies  
2 within the State of West Virginia which may be capable  
3 of looking into these Issues?

4 MR. STEPHENS: On the screening test, I  
5 can physically look at the test. I'm not a test agency,  
6 but there are ways of looking at the test. We have had  
7 complaints where this was, in fact, a problem. One  
8 system of part of the verbal test, the last step, the  
9 person takes. It's not as much as the written test, but  
10 that last oral test the person must take, that's  
11 really-- that's really the obstacle. Because I could  
12 ask you a question in one tone and if you're white, and  
13 then the black comes in and answers to a different tone,  
14 and the black applicant might hear differently or might  
15 feel you're angry or whatever, and you might be  
16 projecting negativeness. So, you might not do well on  
17 the oral test because of what I'm projecting.

18 It comes to the data. It's up to us to gain  
19 the data we can gain and ascertain whether or not there  
20 has been basically discriminating that has taken place  
21 over the years. That's easy to do because that's on  
22 record.

23 Promotions, except for the chief, as you  
24 pointed out, the police chief and the sheriff, who are  
25 appointed by the Mayor or by the people, whatever, there

1 are ways of getting that data, too, because that's a  
2 matter of-- in a lot of communities, again, it's easy to  
3 obtain so we can perform an analysis on that.

4 MR. CHUN: Yes, sure. Sure.

5 MR. SHERIDAN: Just a couple of things.  
6 I'm not familiar enough with the Civil Service System  
7 and I think there are more than one-- I think we are  
8 talking about a number of different systems to know  
9 whether they all use the same test. It wouldn't  
10 surprise me if they didn't, so we may be talking about  
11 different tests. And I know I have a little bit of  
12 familiarity with the Civil Service Statute and the  
13 deputy sheriff. There's a separate one for correctional  
14 officers and municipalities under the cover of Civil  
15 Service aspect. That's a whole separate statute,  
16 whether they want to use the same test or not, I don't  
17 know. In terms of--

18 MR. STEPHENS: Case in point. This  
19 morning-- this afternoon, the detective who was sitting  
20 here indicated that when he was becoming a lieutenant,  
21 he took the same test as the captains were taking. So,  
22 it was the same test. Now, he scored higher than the  
23 captains, but didn't score high enough to be a  
24 lieutenant. But because he scored higher than the  
25 captains, then he was allowed to be a lieutenant. So,

1 the test is the same. Age-wise, number-wise, I just  
2 think it takes law enforcement agencies, which I'm on a  
3 law enforcement training committee, subcommittee to look  
4 at that, and those are some of the things we are looking  
5 at. We take the committee on, we sit-- instead of doing  
6 the things, such as the training that we did last week,  
7 we'll take our next meeting and talk about these type of  
8 things because I basically make them do that. Because  
9 it is an issue that we've talked about, and they'd  
10 rather resolve this than put it over. So, that's a  
11 matter I can put up to the subcommittee.

12 SPEAKER: Knut's Norway citizen review  
13 board is an effective mechanism in his country. This  
14 question is directed to anyone who would like to answer  
15 it. Do you think that citizens such as Huntington,  
16 Charleston, and Wheeling, that we ought to be moving  
17 towards trying to get a review board as a part of the  
18 police department. And if so, how long do you think  
19 that it will take in West Virginia to achieve that?

20 MR. STEPHENS: We really have one in  
21 place so to speak. But if you talk about-- let's say a  
22 hypothetical such as the Human Rights Commission, my  
23 commission is nine commissioners. They are from across  
24 the State. So, hypothetically, if there's a problem  
25 dealing with the police, those nine commissioners can

1 deal with those type of issues. Sally has a different  
2 problem.

3 SPEAKER: On a local level--

4 MR. STEPHENS: Sally has a similar  
5 situation. She has X number-- in fact, she has more  
6 commissioners than I have, which is-- she has 11  
7 commissioners. I only have nine. We need nine. That's  
8 all we need for a State Commission. I think those  
9 commissioners should take on that effort. I think it  
10 should be another part of their responsibility to this  
11 community, because it's a committee that's already  
12 established. As a cross-section of the community as in  
13 the State's-- cross-section of the State, and that's  
14 what I am saying. That should be another adjunct to the  
15 responsibility of the Human Rights Commissioners.

16 MR. BRUNNER: Dr. Cleckley, just one  
17 point which may or may not have application in terms of  
18 locality. The City of Los Angeles has a civilian police  
19 review board.

20 SPEAKER: Must not have been  
21 functioning.

22 MR. STEPHENS: In fact--

23 MR. PITTS: Let me say something to that  
24 just for the record. Dr. Cleckley, I think what she was  
25 asking which was alluding to an answer dealing with what

1 you were saying about the way that the structure is,  
2 like there's a superimposition of an independent body  
3 which goes beyond the structure of the Human Rights  
4 Commission or the local Human Rights Commission. But it  
5 is something that is put in place with a specific  
6 mandate to review, to investigate and make some  
7 determinations as to whether or not the activity is  
8 criminal. And that activity, once determined to be  
9 criminal, is sent directly to the prosecuting attorney  
10 in the local area; is that correct?

11 SPEAKER: That's correct.

12 MR. PITTS: I think her question is: is  
13 there a possibility that there might be something that  
14 we should look into creating and putting into place.  
15 And I think that make-up was also a part of your  
16 question because as I understand, that particular body  
17 was made up of a lawyer, a judge, and an investigator.  
18 We may suppose to extend the make-up to have some  
19 citizen participation. Am I following you?

20 SPEAKER: Yes, yes, certainly.

21 MR. STEPHENS: Again, this morning, we  
22 talked about the judicial system in this community.  
23 Again, that's my point. You're getting the citizens,  
24 you're getting people that judge-- and one I just  
25 brought up on an ethic charge, and you're getting these



1 people to be an advisory counsel to the City for the  
2 police, and you've got corruption in the judicial  
3 system. That's why I say adjunct to the human rights,  
4 because that's a cross-section. And it can be more  
5 neutral than a judge who's protecting people in the  
6 police system. And we talked about that this morning.  
7 That's all I heard this morning. You talked about the  
8 judicial system. That's all I heard today, and you were  
9 here.

10 MR. PITTS: Yes. Do you have something  
11 that you might wish to share with us?

12 SPEAKER: No. Just it's very difficult  
13 to achieve-- I think that that's certainly a mechanism  
14 that should be looked at as you're trying to effect some  
15 change in the local communities.

16 MR. SHERIDAN: I think it's something  
17 that should be looked at to-- I think looking at the  
18 experience of civilian review panels in other  
19 communities might be a good idea. I have no knowledge  
20 of the experience in LA or anywhere elsewhere. It might  
21 have been tried and it might be worth looking at. I  
22 think it's real important to recreate some kind of  
23 forum, though, for some review of police conduct. And I  
24 think, you know, some of our police agencies may have  
25 ways of doing things that, you know, work in some

1 instances, that kind of thing. I'm aware of some  
2 situations so that there just really isn't any review,  
3 there's no place to go.

4 We have had one case come through the Human  
5 Rights Commission and handled by my office, where a  
6 sheriff was involved in trying to evict someone out of a  
7 trailer park. And it just kind of jumped in with both  
8 feet. It wasn't acting under any kind of court order or  
9 anything like that made-- to issue warrants on it. The  
10 Commission is hearing this case now. But that doesn't  
11 address-- that doesn't address the kind of remedies that  
12 a civilian review panel would go over. There's no--  
13 what we, the Commission, has the power to do in this  
14 instance, is compensate the victims up to 2,500 as a  
15 maximum if it barely scratches the surface of the  
16 problem. There is no discipline power at all for the  
17 sheriff. There's no-- there's no way to remedy the  
18 problem so it won't occur again, anything like that.

19 I think some kind of forum for investigating  
20 and taking the appropriate action, whether it's an  
21 office in the state police or whether it's some  
22 independent citizen review committee or, you know,  
23 whether it's State level or community level, whatever it  
24 might be, I think if anything like that would be  
25 established in the right direction, there might be a

1 number of options that we are willing to look at.

2 MR. PITTS: Do you have a response? Do  
3 you have--

4 MS. BURKE: That was a question that we  
5 were responding to, so I made contact with the  
6 Association of Black Police in DC and discussed the  
7 issue with them. I had given it some thought and as I  
8 thought about it, I definitely saw it being-- I  
9 definitely saw a civilian review board being instated,  
10 definitely having people from the community. Now, I'm  
11 the type-- I'm an activist, that forever, you know,  
12 always think that anything can be done. I don't care  
13 what's out there. I say if we have a review board, we  
14 would definitely have civilians on it. What I was  
15 concerned about is if you think about a state such as  
16 West Virginia, when you look at the demographics, how we  
17 are-- where we are located, I was very concerned about  
18 how things happen, because we're still talking about  
19 mind sets that the review board would have, more of  
20 another group, then when a case was heard, that it might  
21 not be a fair case. So, I made a little note that I  
22 thought if something like that was to happen, I'd  
23 definitely-- you know, we should have half and half.  
24 Now, that was just me thinking and I just thought about  
25 it this morning. I would suggest making sure you have

1 half of each group and you might get a fair chance.

2 MR. PITTS: Dr. Carter?

3 SPEAKER: What is the possibility and  
4 what's the strategy if anyone cares to give any  
5 suggestions on an ethnic intimidation law in this state  
6 compared to the ones that he have in states around us  
7 that seem to work where when you do something to someone  
8 because of a sexual or ethnics, you go to jail. I mean,  
9 you get arrested. The local police pick you up or the  
10 county police and you have a trial. And it appears to  
11 me in this state, people could do anything they want to  
12 to you.

13 MR. SHERIDAN: There's a law that covers  
14 some of what you're talking about. It's-- I have got a  
15 copy of it here actually. I can show it to you  
16 afterwards.

17 SPEAKER: In this state?

18 MS. BURKE: What it does essentially is  
19 it increases the level of the crime from a misdemeanor  
20 to a felony if the motive is racial hate or I think  
21 race. The same kind of categories that are covered  
22 under the Human Rights Act; race, sex, ethic background,  
23 religion.

24 MR. STEPHENS: If I feel that you're  
25 endangering my life as opposed to just saying you cursed

1 me out because I'm black, that's basically it. If I  
2 feel endangered or threatened, if I feel threatened by  
3 what you say, as in the Brown case where they threw the  
4 student out because it was a private school opposed to  
5 this school with the gentleman in the library, who said  
6 what he cared to say, who's protected by the First  
7 Amendment. Those are two different, similar, but two  
8 different situations. Wherein the young ladies would  
9 have been threatened and felt threatened by what he said  
10 was not, in fact, a threat. It was just that he just  
11 got off and wanted to talk. So, the Brown case was able  
12 to rid it of this gentleman who was a student and just  
13 went off on any person that came by and any other  
14 indifferent person, and they were able to get rid of him  
15 as opposed to the situation here with the person working  
16 in the library.

17 MS. BURKE: You know, Phil, I have a lot  
18 of information on that. In fact, I have some materials  
19 with me and some publications showing statewide where  
20 the KKK are located, where the skinheads are located.  
21 The interesting thing is the skinheads are right here in  
22 Charleston, in Huntington. I can tell you exactly where  
23 their activities are and I also have, you know, a lot of  
24 information to fully cover on this question of hate.

25 MR. PITTS: Mr. Gottlieb's son actually

1 wrote the law. Tell us a little bit about it.

2 MR. GOTTLIEB: Well, I would say this: I  
3 happen to be chairman of the Anti-defamation Advisory  
4 Board of the State of West Virginia. We were first  
5 concerned about the situation down in Pocohontas County  
6 when the out-of-state anti-semites and anti-blacks came  
7 into the state. And I was shocked then that this state  
8 police and the sheriff of the county would not go into  
9 that community, into that area, because it was on  
10 private property. Nobody could do anything unless  
11 someone complained that they were going to start a riot  
12 or they were going to do this or do that.

13 Through the cooperation of the  
14 anti-defamation, and the cooperation of our commission,  
15 the cooperation-- the coalitions of all the churches and  
16 I was a politician. I included everyone in it so that  
17 no one could say there was two groups or three groups,  
18 fine. We took it to the legislators. One of the  
19 leaders in the house at that time says, give it to me  
20 and my committee. We put enough pressure, and I mean  
21 people in this community put the pressure on it. It was  
22 brought out and it was passed. So that's a step in the  
23 right direction.

24 There's also another possibility that must be  
25 in my philosophy, is: if you get organized, you know,

1 what I want to do, you can work together instead of  
2 calling names, and you could accomplish something. And  
3 that, I think, is the main purpose, that most of us are  
4 here for, is to follow through.

5 My son, Richard, at that time was an  
6 attorney. He was working for Columbia Gas. He wasn't  
7 on the State payroll. And they imposed upon him if he  
8 would help draft a law. But we do follow through with  
9 the anti-defamation lawyers out of New York and other  
10 places of 33 states, who had done things like that.

11 See, sometimes we are not minorities. But  
12 sometimes we like to follow what's a good example, and  
13 what's a state law and could be approved. So, I am  
14 pleased to say that as our new chairman of the  
15 Commission, I haven't had the pleasure of working with  
16 Steve Rutledge and some of our other very capable  
17 people. We can accomplish it because whether we go  
18 through the Attorney General's office or your Commission  
19 or through our commission, to get these things done.

20 MR. PITTS: The young man here.

21 SPEAKER: Yeah. I just wanted to speak  
22 to this thing about the review committee. I filed a  
23 grievance here on campus. And as a result of that, I  
24 also filed a grievance with the West Virginia Human  
25 Rights Commission. I don't believe I would have won my

1 case on campus if I hadn't had an advocate off the  
2 campus. The internal processes here, I don't think  
3 would work because of the system.

4 I think the same thing would happen in the  
5 police department. I think it is very important to have  
6 an outside system, but I think you also need an advocate  
7 of some sort. And the recent situation I explained  
8 earlier about being assaulted and so forth, I first met  
9 with the Mayor of Huntington and discussed the situation  
10 with him. And, you know, there being no formal process,  
11 he asked me to put it down on paper and submit it. And  
12 I have kind of drug my feet on that, but it ended up  
13 being 57 pages of material just explaining the couple of  
14 instances that I felt like should be addressed.

15 And also having dealt with these kind of  
16 things before, I today gave a copy to you. I gave it to  
17 the Mayor and I gave a copy to the police. And I am  
18 going to send a copy to the Human Rights Commission,  
19 because I think it's important that you cover all your  
20 bases or else nothing will get done. So, I would  
21 suggest that if there's, you know-- if a panel, an  
22 outside review panel, becomes part of the  
23 recommendations or if some committee begins to work on  
24 this sort of thing then in some way or another, an  
25 advocate for the people, someone to help if there's a



1 form or if you have to put it in the form of a letter or  
2 however you had to do it, there needs to be someone to  
3 advocate for the person that feels aggrieved by the  
4 department, because I think that's one of the most  
5 important things, to feel like somebody is helping you.

6 I have had-- when I first started this  
7 process, I called everybody. I didn't know who to go to  
8 for help, and I ended up at the Human Rights Commission.  
9 Definitely a lot of good advice, and I think I would  
10 never have won if I had just stuck with the very narrow  
11 process on this campus.

12 MR. CHUN: Just a follow-up question or  
13 comment in a way. I think we've been given a persuasive  
14 indication into this form of civilian recourse. No  
15 question about it. Yet we also hear that there isn't  
16 any good central system and so on. The question then is  
17 that do you think it's probably maybe a jurisdiction--  
18 after what we have been told today, my question is: is  
19 it by any chance, appropriate in the proper jurisdiction  
20 for Mr. Sheridan's office to think about what form of  
21 civilian review boards, some form of monitoring, might  
22 be realistic and feasible and how we might achieve  
23 something as a group?

24 MR. SHERIDAN: I don't know. I suppose  
25 it's always going to be the jurisdiction of anybody to

1 think about something. In terms of whether the Attorney  
2 General can make a formal recommendation, that sort of  
3 thing is something I would be need to explore.

4 MR. CHUN: Something would have to be  
5 group developed and I'm asking you who might be a good  
6 sort of body or bodies to do that.

7 MR. PITTS: Paul, let me interrupt you  
8 here. Now, Que's office could ask the Attorney General  
9 to give him an opinion on whether or not this type of  
10 structure could be put into place. And the Attorney  
11 General would have to send him back an opinion whether  
12 it would be affirmative or negative. Isn't that true?

13 MR. SHERIDAN: Well, the Attorney  
14 General's office issues opinions as to what the law is.  
15 I think what we are talking about here is  
16 recommendations for legislation. Am I correct?

17 MR. PITTS: If it is a question in terms  
18 of the legality of it, it reaches the same results,  
19 doesn't it?

20 MR. SHERIDAN: Basically. Well, that  
21 might be the question: would it be legal for a city to  
22 set up a civilian review panel.

23 MR. PITTS: That's a question from Que's  
24 office as a request for an opinion.

25 MR. SHERIDAN: That, I can't--

1 MS. BURKE: I don't see why it would be  
2 a problem.

3 MR. PITTS: That's part of the attorney  
4 general's legislative process.

5 SPEAKER: May I say something? Some  
6 years ago-- I would imagine everybody in here is far  
7 younger than I, and years ago, we used to have some  
8 bodies. And I would hope that if we do decide to go in  
9 this direction that-- there is a saying, you remember  
10 the mistakes of the past or you're bound to repeat. So,  
11 I would suggest that if we are going in this direction,  
12 that we do a little research. For some reason, we got  
13 rid of the review boards; isn't that right?

14 MR. BRUNNER: Right.

15 SPEAKER: For some reason, there was a  
16 reason we got rid of it. I would suggest we find out.

17 MR. STEPHENS: A state group, do we want  
18 the City versus the State, based on demographics or-- if  
19 you look, you know, are we talking about looking at  
20 putting this in Huntington or Wheeling or Martinsburg or  
21 Charleston? Is that what we're saying? Are we talking  
22 about one council that would look at all of the hate  
23 crimes and police problems? Because now, you know, we  
24 do have-- we're asked to look at community relations,  
25 minority relations in the state, and police brutality.

1 This is happening and is taking place now. So are we  
2 saying that we want a council or an advisory council  
3 that's a state body or are we talking about one that--  
4 in each one of the large municipalities? What are we  
5 asking for?

6 MR. PITTS: Based on the research, it  
7 would be developed to the mind set of what would work  
8 best. It may be regional, it may be each county. You  
9 know, that would have to be based on the research that  
10 would be developed.

11 At this point in time, we are about eight  
12 minutes over the five o'clock limit, and I hate to cut  
13 it off. But I would certainly like to say that on  
14 behalf of the members of the West Virginia Advisory  
15 Committee to the US Commission on Civil Rights, we  
16 certainly thank you and appreciate your tolerance,  
17 especially with me. And you're just sitting with us  
18 today, your questions, your answers, your comments, and  
19 your statements are definitely appreciated and they will  
20 be made part of the written report. Appendages will  
21 also be received. We did not come to judge or to  
22 condemn. We did come to take down information and we  
23 have received an abundance of that today. With the last  
24 panel, we also thank you very much for your appearance  
25 and your contributions.

1                   SPEAKER: May we ask something of you?  
2                   That the next time that you do your work, I'm talking  
3                   about this advisory, so well that this meeting won't be  
4                   put on the same day that our Police Civil Service is  
5                   doing something? There's no reason for this. I would  
6                   suggest you do your homework.

7                   MR. CHUN: It's necessary to make a  
8                   small corrective statement. I think we are going to, if  
9                   I'm not mistaken on this, we are going to receive all of  
10                  the statements and written documentation and so on, and  
11                  then we are going to pull it together in one fashion or  
12                  another, into a final report. But I think it might be  
13                  misleading to say that when you say it will be appended  
14                  as they are received, so I just want to make that  
15                  correction.

16                  (Hearing concluded at the approximate  
17                  hour of 5:10 p.m.)

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REPORTER'S CERTIFICATION

STATE OF WEST VIRGINIA  
COUNTY OF CABELL, to wit:


I, Carol Curry-Adams, Shorthand Reporter and Notary Public, within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing hearing was duly taken by me and before me at the time and place for the purpose specified in the caption hereof, the said witness having been by me first duly sworn.

I do further certify that the said hearing was correctly taken by me in machine shorthand, and that the same were accurately written out in full and reduced to computer transcription.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this hearing is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

My Commission expires October, 20, 1993.

Given under my hand this 4th day of June, 1991.

  
Carol Curry-Adams  
Court Reporter/Notary Public