

OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE THE

CALIFORNIA ADVISORY COMMITTEE TO THE

U.S. COMMISSION ON CIVIL RIGHTS

DATE: THURSDAY, MAY 29, 1997

TIME: 10:00 A.M.

PLACE: WESTEN SOUTH COAST PLAZA
686 ANTON BOULEVARD
COSTA MESA, CA 92626

REPORTED BY: KATHLEEN E. GEORGE, CSR NO. 11071
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ORIGINAL

1 COSTA MESA, CALIFORNIA; THURSDAY, MAY 29, 1997

2 10:00 A.M.

3
4 WELCOME AND INTRODUCTION

5
6 DR. HERNANDEZ: GOOD MORNING. THIS MEETING OF THE
7 CALIFORNIA ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON
8 CIVIL RIGHTS WILL NOW COME TO ORDER.

9 I AM FERNANDO HERNANDEZ, CHAIRPERSON OF THE
10 CALIFORNIA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL
11 RIGHTS. THE U.S. COMMISSION ON CIVIL RIGHTS IS AN INDEPENDENT,
12 BIPARTISAN, FACTFINDING AGENCY FIRST ESTABLISHED UNDER THE CIVIL
13 RIGHTS ACT OF 1957.

14 THE COMMISSION ON CIVIL RIGHTS IS AN
15 INDEPENDENT AGENCY OF THE UNITED STATES GOVERNMENT ESTABLISHED BY
16 CONGRESS IN 1957 AND DIRECTED TO: INVESTIGATE COMPLAINTS
17 ALLEGING THAT CITIZENS ARE BEING DEPRIVED OF THEIR RIGHT TO VOTE
18 BY REASON OF THEIR RACE, COLOR, RELIGION, SEX, AGE, HANDICAP, OR
19 NATIONAL ORIGIN, OR BY REASON OF FRAUDULENT PRACTICES; STUDY AND
20 COLLECT INFORMATION CONCERNING LEGAL DEVELOPMENTS CONSTITUTING
21 DISCRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE LAWS UNDER
22 THE CONSTITUTION BECAUSE OF RACE, COLOR, RELIGION, SEX, AGE,
23 HANDICAP, OR NATIONAL ORIGIN, OR IN THE ADMINISTRATION OF
24 JUSTICE; APPRAISE FEDERAL LAWS AND POLICIES WITH RESPECT TO
25 DISCRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE LAWS; SERVE

1 AS A NATIONAL CLEARING HOUSE FOR INFORMATION ABOUT DISCRIMINATION
2 AND; SUBMIT REPORTS, FINDINGS, AND RECOMMENDATIONS TO THE
3 PRESIDENT AND CONGRESS.

4 ADVISORY COMMITTEES WERE ESTABLISHED IN EACH
5 STATE AND THE DISTRICT OF COLUMBIA IN ACCORDANCE WITH ENABLING
6 LEGISLATION AND THE FEDERAL ADVISORY COMMITTEE ACT, TO ADVISE THE
7 COMMISSION ON MATTERS PERTAINING TO DISCRIMINATION OR DENIALS OF
8 EQUAL PROTECTION OF THE LAWS BECAUSE OF RACE, COLOR, RELIGION,
9 SEX, NATIONAL ORIGIN, AGE, HANDICAP, OR IN THE ADMINISTRATION OF
10 JUSTICE, AND TO AID THE COMMISSION IN ITS STATUTORY OBLIGATION TO
11 SERVE AS A NATIONAL CLEARING HOUSE FOR INFORMATION ON THOSE
12 SUBJECTS.

13 COMMISSION REGULATIONS CALL FOR EACH ADVISORY
14 COMMITTEE TO: ADVISE THE COMMISSION IN WRITING OF ANY
15 INFORMATION IT MAY HAVE RESPECTING ANY ALLEGED DEPRIVATION OF
16 CITIZENS' RIGHT TO VOTE AND TO HAVE THE VOTE COUNTED, BY REASON
17 OF COLOR, RACE, RELIGION, SEX, NATIONAL ORIGIN, AGE, OR
18 DISABILITY, OR THAT CITIZENS ARE BEING ACCORDED OR DENIED THE
19 RIGHT TO VOTE IN FEDERAL ELECTIONS AS A RESULT OF PATTERNS OR
20 PRACTICES OF FRAUD OR DISCRIMINATION; ADVISE THE COMMISSION
21 CONCERNING LEGAL DEVELOPMENTS CONSTITUTING DISCRIMINATION OR A
22 DENIAL OF EQUAL PROTECTION OF THE LAWS UNDER THE CONSTITUTION
23 BECAUSE OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, OR
24 DISABILITY OR IN THE ADMINISTRATION OF JUSTICE; AND AS TO THE
25 EFFECT OF THE LAWS AND POLICIES OF THE FEDERAL GOVERNMENT WITH

1 RESPECT TO EQUAL PROTECTION OF THE LAWS; ADVISE THE COMMISSION
2 UPON MATTERS OF MUTUAL CONCERN IN THE PREPARATION OF REPORTS OF
3 THE COMMISSION TO THE PRESIDENT AND THE CONGRESS; RECEIVE
4 REPORTS, SUGGESTIONS, AND RECOMMENDATIONS FROM INDIVIDUALS,
5 PUBLIC AND PRIVATE ORGANIZATIONS, AND PUBLIC OFFICIALS ABOUT
6 MATTERS PERTINENT TO INQUIRIES CONDUCTED BY THE STATE ADVISORY
7 COMMITTEE; INITIATE AND FORWARD ADVICE AND RECOMMENDATIONS TO THE
8 COMMISSION ABOUT MATTERS THAT THE ADVISORY COMMITTEE HAS STUDIED;
9 AND ASSIST THE COMMISSION IN THE EXERCISE OF ITS CLEARING HOUSE
10 FUNCTION.

11 THE PURPOSE OF THE MEETING TODAY IS TO OBTAIN
12 FOLLOW-UP INFORMATION AND VIEWS ON AN ISSUE ORIGINALLY BROUGHT TO
13 THIS ADVISORY COMMITTEE'S ATTENTION AT A PUBLIC FORUM HELD HERE
14 IN COSTA MESA IN DECEMBER, 1993. AT THAT TIME, ALLEGATIONS WERE
15 MADE THAT ORANGE COUNTY'S GOVERNMENT AND JUSTICE SYSTEMS IGNORE
16 THE NEEDS OF MINORITIES. PARTICIPANTS AT THE FORUM ADDRESSED A
17 VARIETY OF CONCERNS, INCLUDING THE JUDICIARY AND COURT SYSTEM AND
18 POLICE - COMMUNITY RELATIONS.

19 AT THAT TIME, THIS COMMITTEE AGREED TO
20 FOLLOW-UP ON SEVERAL OF THE ISSUES RAISED BY THE COMMUNITY. ONE
21 ISSUE RAISED BY MANY OF THE PARTICIPANTS AT THE FORUM WAS LAW
22 ENFORCEMENT AGENCIES' CONDUCT TOWARD MINORITY MANY YOUTH.
23 SPECIFICALLY, ORANGE COUNTY RESIDENTS WERE ALARMED AT THE
24 PRACTICE OF PHOTOGRAPHING MINORITY JUVENILES -- ESPECIALLY ASIAN,
25 LATINO, AND AFRICAN-AMERICAN -- AS SUSPECTED GANG MEMBERS. THIS

1 PRACTICE WAS UNDERTAKEN WITHOUT THE PERMISSION OF EITHER THE
2 JUVENILE OR HISS SLASH HER PARENTS, AND WAS OFTEN PRECIPITATED
3 MERELY BY THE MOWED OF DRESS OR PHYSICAL APPEARANCE OF THE
4 JUVENILE. BASED ON INFORMATION BROUGHT TO THE ATTENTION OF THE
5 ADVISORY COMMITTEE, COMPLAINTS REGARDING THIS ISSUE CONTINUE TO
6 PERSIST IN OTHER COUNTY AND HAVE WARRANTED THE ADVISORY COMMITTEE
7 RETURN TO GATHER ADDITIONAL INFORMATION.

8 PARTICIPANTS IN TODAY'S FACTFINDING FORUM HAVE
9 BEEN REQUESTED TO ADDRESS THE FOLLOWING ISSUES: LAW
10 ENFORCEMENT'S PRACTICES AND PROCEDURES FOR IDENTIFYING AND
11 CLASSIFYING YOUTH AS POTENTIAL GANG MEMBERS; THE CRIMINAL, CIVIL,
12 AND SOCIETAL IMPLICATIONS FOR SUCH CLASSIFICATIONS; COMMUNITY
13 CONCERNS REGARDING THE ADMINISTRATION OF JUSTICE AS IT RELATES TO
14 JUVENILES IN ORANGE COUNTY; LAW ENFORCEMENT CONCERNS REGARDING
15 PUBLIC SAFETY AND CONTROLLING GANG-RELATED CRIME IN ORANGE
16 COUNTY; AND RECOMMENDATIONS FOR MATCHING PUBLIC SAFETY OBJECTIVES
17 WITH COMMUNITY CONCERNS FOR OBJECTIVE TREATMENT.

18 AMONG THOSE INVITED TO ADDRESS THE CALIFORNIA
19 ADVISORY COMMITTEE TODAY ARE OTHER COUNTY LAW ENFORCEMENT
20 OFFICIALS, COMMUNITY ACTIVISTS, STUDENTS, UNIVERSITY OFFICIALS,
21 AND REPRESENTATIVES OF ADVOCACY GROUPS.

22 BASED UPON THE INFORMATION COLLECTED AT THIS
23 MEETING, A SUMMARY REPORT WILL BE PREPARED FOR THE UNITED STATES
24 COMMISSION ON CIVIL RIGHTS.

25 OTHER MEMBERS OF THE CALIFORNIA ADVISORY

1 COMMITTEE IN ATTENDANCE DURING THIS MEETING ARE: LUZ BUITRAGO,
2 DR. EDWARD ERLER, ROSE BOON FUA, DR. FRANK MAYER.

3 THE ADVISORY COMMITTEE MEMBERS WHO WERE NOT
4 ABLE TO ATTEND ARE: DANIEL APODACA, RACHEL BUDD, STANLEY
5 LEOPARD, SHARON MARTINEZ, ANDREA PATTERSON, MITCHELL POMERANTZ,
6 DR. KEVIN FRANKLIN, IN ADDITION TO MR. MICHAEL CARNEY.

7 ALSO WITH US TODAY ARE PHILIP MONTEZ, REGIONAL
8 DIRECTOR OF THE COMMISSION'S WESTERN REGIONAL OFFICE IN
9 LOS ANGELES, AS WELL AS THOMAS V. PILLA AND ARTHUR PALACIOS,
10 CIVIL RIGHTS ANALYSTS WITH THAT OFFICE. ALSO, I THINK
11 STELLA YOUNGBLOOD IS ALSO PRESENT.

12 MS. BUITRAGO: AND SOCORRO.

13 DR. HERNANDEZ: OH, AND I'M SORRY. ALSO, I NEGLECTED TO
14 MENTION SOCORRO (CORKY) REYNAGA-OLSEN; AND I APOLOGIZE FOR THAT
15 OVERSIGHT.

16 MS. OLSEN: THAT'S OKAY.

17 DR. HERNANDEZ: THIS FACTFINDING MEETING IS BEING HELD
18 PURSUANT TO FEDERAL RULES APPLICABLE TO STATE ADVISORY COMMITTEES
19 AND REGULATIONS PROMULGATED BY THE U.S. COMMISSION ON CIVIL
20 RIGHTS. ALL INQUIRIES REGARDING THESE PROVISIONS SHOULD BE
21 DIRECTED TO COMMISSION STAFF.

22 I WOULD LIKE TO EMPHASIZE THAT THIS IS A
23 FACTFINDING MEETING AND NOT AN ADVERSARIAL PROCEEDING.
24 INDIVIDUALS HAVE BEEN INVITED TO COME AND SHARE WITH THE
25 COMMITTEE INFORMATION RELEVANT TO THE SUBJECT OF TODAY'S INQUIRY.

1 EACH PERSON WHO WILL PARTICIPATE HAS VOLUNTARILY AGREED TO MEET
2 WITH THE COMMITTEE.

3 SINCE THIS IS A PUBLIC MEETING, THE PRESS AND
4 RADIO AND TELEVISION STATIONS, AS WELL AS INDIVIDUALS, ARE
5 WELCOME. PERSONS MEETING WITH THE COMMITTEE, HOWEVER, MAY
6 SPECIFICALLY REQUEST THAT THEY NOT BE TELEVISED. IN THIS CASE,
7 WE WILL COMPLY WITH THEIR WISHES.

8 WE ARE CONCERNED THAT NO DEFAMATORY MATERIAL BE
9 PRESENTED AT THIS MEETING. IN THE UNLIKELY EVENT THAT THIS
10 SITUATION SHOULD DEVELOP, IT WILL BE NECESSARY FOR ME TO CALL
11 THIS TO THE ATTENTION OF THE PERSONS MAKING THESE STATEMENTS AND
12 REQUEST THAT THEY DID HE CYST IN THEIR ACTION. SUCH INFORMATION
13 WILL BE STRICKEN FROM THE RECORD IF NECESSARY.

14 EVERY EFFORT HAS BEEN MADE TO INVITE PERSONS
15 WHO ARE KNOWLEDGEABLE IN THE AREA TO BE DEALT WITH HERE TODAY.
16 IN ADDITION, WE HAVE ALLOCATED TIME BETWEEN 5:15 AND 6:30 P.M. TO
17 HEAR FROM ANYONE WHO WISHES TO SHARE INFORMATION WITH THE
18 COMMITTEE ABOUT THE SPECIFIC ISSUES UNDER CONSIDERATION TODAY.
19 AT THAT TIME, EACH PERSON OR ORGANIZATION WILL BE AFFORDED A
20 BRIEF OPPORTUNITY TO ADDRESS THE COMMITTEE AND MAY SUBMIT
21 ADDITIONAL INFORMATION IN WRITING. THOSE WISHING TO PARTICIPATE
22 IN THE OPEN SESSION MUST CONTACT COMMISSION STAFF BEFORE
23 3:00 P.M. THIS AFTERNOON.

24 IN ADDITION, THE RECORD OF THIS MEETING WILL
25 REMAIN OPEN FOR A PERIOD OF THIRTY DAYS FOLLOWING ITS CONCLUSION.

1 THE COMMITTEE WILL COMES ADDITIONAL WRITTEN STATEMENTS AND
2 EXHIBITS FOREIGN COLLUSION IN THE RECORD. THESE SHOULD BE
3 SUBMITTED TO THE WESTERN REGIONAL DIVISION, UNITED STATES
4 COMMISSION ON CIVIL RIGHTS, 3660 WILSHIRE BOULEVARD, SUITE 810,
5 LOS ANGELES, CALIFORNIA 90010.

6 THANK YOU FOR JOINING US THIS MORNING. LET US
7 PROCEED.

8 I WOULD LIKE TO BEGIN TO MY IMMEDIATE LEFT AND
9 ASK EACH MEMBER OF THE PANEL TO STATE THEIR NAME FOR THE RECORD.

10 MR. CONLEY: YES. MY NAME IS JOHN CONLEY, C-O-N-L-E-Y,
11 ASSISTANT DISTRICT ATTORNEY. I DON'T KNOW THAT THIS MIKE IS ON.

12 DR. HERNANDEZ: IS THAT MICROPHONE ON?

13 (A BRIEF DISCUSSION WAS HELD OFF THE RECORD.)

14 MR. CREW: MY NAME, FOR THE RECORD, IS JOHN CREW. I DIRECT
15 THE POLICE PRACTICES PROJECT. I'M THE STAFF ATTORNEY FOR THE
16 ACLU FOR NORTHERN CALIFORNIA, C-R-E-W.

17 MR. PARACHINI: I'M ALAN PARACHINI, PUBLIC AFFAIRS DIRECTOR
18 FOR THE ACLU FOUNDATION OF SOUTHERN CALIFORNIA,
19 P-A-R-A-C-H-I-N-I.

20 MR. TOMA: MY NAME IS ROBIN TOMA. I'M AN ATTORNEY AND STAFF
21 CONSULTANT WITH THE LOS ANGELES COUNTY HUMAN RELATIONS
22 COMMISSION, AND THE LAST NAME IS SPELLED T-O-M-A.

23 MS. VERASTEGUI: I'M YVETTE VERASTEGUI WITH THE ORANGE
24 COUNTY PUBLIC DEFENDER'S OFFICE. MY LAST NAME IS SPELLED
25 V-E-R-A-S-T-E-G-U-I.

1 DR. HERNANDEZ: THANK YOU VERY MUCH, AND WELCOME. AND I'D
2 LIKE TO THANK ALL OF YOU FOR TAKING TIME OUT OF YOUR BUSY DAYS TO
3 OFFER TESTIMONY TODAY AT THIS FORUM.

4 I'M GOING TO ASK THAT EACH MEMBER OF THE PANEL
5 LIMIT THEIR REMARKS TO ABOUT THREE MINUTES, SO THAT THE ADVISORY
6 BOARD COMMITTEE MEMBERS WILL HAVE AN OPPORTUNITY TO DO SOME
7 QUESTIONING WITH RESPECT TO THESE VERY IMPORTANT MATTERS.

8 I'D LIKE TO ASK MR. CONLEY TO OPEN THIS
9 SESSION.

10 MR. CONLEY: DR. HERNANDEZ, WE WERE TOLD THAT WE'D HAVE A
11 LITTLE BIT MORE TIME THAN THAT, SO I PREPARED SOME REMARKS WHICH
12 YOU HAVE AN OUTLINE OF.

13 MY FUNCTION WAS, ACCORDING TO
14 STELLA YOUNGBLOOD, TO KIND OF SUMMARIZE WHAT ORANGE COUNTY LAW
15 ENFORCEMENT IS DOING IN THE GANG AREA AND GIVE YOU SOME BASIC
16 STATISTICS. I'M GOING TO HAVE TROUBLE DOING THAT IN THREE
17 MINUTES.

18 DR. HERNANDEZ: OKAY. WELL, HOW MUCH TIME DO YOU THINK
19 YOU'LL NEED, MR. CONLEY?

20 MR. CONLEY: POSSIBLY TEN.

21 DR. HERNANDEZ: OKAY. LET'S KEEP IT AT ABOUT TEN, THEN.

22 MR. CONLEY: OKAY. I WILL DO MY VERY BEST.

23 DR. HERNANDEZ: OKAY.

24 MR. CONLEY: AND YOU DO HAVE AN OUTLINE OF MY REMARKS.

25 BASICALLY, YOU MIGHT WONDER WHY A PROSECUTOR IS

1 GIVING AN OVERVIEW OF WHAT'S HAPPENING IN ORANGE COUNTY. WE HAVE
2 CHIEFS OF POLICE THAT ARE TALKING IN THE AFTERNOON, FOR EXAMPLE.
3 AND THE REASON IS -- THAT I'VE BEEN SELECTED IS THAT WE HAVE 31
4 CITIES IN ORANGE COUNTY AND SOME 23 DIFFERENT POLICE DEPARTMENTS,
5 AND MOST OF THE -- JUST ABOUT ALL THE CASES, EXCEPT FOR ANAHEIM
6 MISDEMEANORS, ARE HANDLED BY THE DISTRICT ATTORNEY. SO, WE ARE
7 THE KIND OF CENTRAL FUNNEL. SO, I WILL BE TALKING ABOUT THE
8 CASES THAT ARE FILED.

9 WE RECOGNIZE THAT THERE IS A CERTAIN AMOUNT OF
10 GANG CRIME THAT NEVER COMES TO THE ATTENTION OF THE POLICE AND A
11 CERTAIN AMOUNT OF GANG CRIME THAT NEVER COMES TO THE ATTENTION OF
12 THE DISTRICT ATTORNEY, THEREFORE. SO, I ALWAYS POINT OUT THAT
13 WE'RE TWO STEPS FROM THE STREETS. ON THE OTHER HAND, WE ARE THE
14 FUNNEL THROUGH WHICH ALL THE CASES THAT ARE SOLVED GO THROUGH.
15 SO, WE HAVE SOME PERSPECTIVE ON THE ISSUE.

16 LOOKING AT ORANGE COUNTY -- OF THE PEOPLE
17 THAT -- I NOTICED, MOST OF THE COMMITTEE ARE NOT FROM ORANGE
18 COUNTY -- THINK OF IT AS AN AFFLUENT AREA WITH A VERY LOW CRIME
19 RATE. ACTUALLY, WE ARE -- WE ARE A VERY VARIED COUNTY, DESPITE
20 OUR REPUTATION, AMONG OTHER PLACES IN THE STATE. WE HAVE A
21 SIGNIFICANT GANG PROBLEM IN ORANGE COUNTY. WE HAVE OVER 20,000
22 PEOPLE WHO HAVE BEEN IDENTIFIED AS GANG MEMBERS IN THE COMPUTER,
23 AND WE'LL BE TALKING ABOUT THAT. THAT, OF COURSE, IS ONE OF THE
24 CONTROVERSIAL AREAS. WE HAVE SOME 382 GANGS. AS YOU KNOW,
25 ORANGE COUNTY IS THE THIRD LARGEST BY POPULATION IN CALIFORNIA,

1 AND WE HAVE A SIGNIFICANT GANG PROBLEM.

2 SOME PEOPLE LOOK AT THE GANG PROBLEM AS A
3 PROBLEM OF SOCIETY DEALING WITH ETHNIC GROUPS, THOUGH I DON'T.
4 IF YOU LOOK AT THE GANG SITUATION IN ORANGE COUNTY, MOST OF THE
5 VICTIMS OF GANG VIOLENCE ARE NOT GANG MEMBERS AND ARE FROM THE
6 SAME ETHNIC GROUP THAT THE GANG MEMBERS ARE FROM. ASIAN GANGS
7 TEND TO PREY ON ASIAN VICTIMS; HISPANIC GANGS TEND TO PREY ON
8 HISPANIC VICTIMS, AND MANY TIMES THE VICTIM IS NOT A GANG MEMBER
9 HIS OR HERSELF.

10 SO, IT'S NOT A SIMPLE KIND OF THING OF HOW ARE
11 ETHNIC MINORITIES BEING TREATED. I WILL MAKE THE DILEMMA FOR YOU
12 IS: WE WANT TO BE SAFE, BUT WE WANT TO HAVE INDIVIDUAL RIGHTS;
13 AND HOW WE BALANCE THOSE TWO ISSUES IS THE WAY OUR SOCIETY WILL
14 BE JUDGED.

15 IN TERMS OF ORANGE COUNTY, JUST SOME BASIC
16 STATISTICS: WE HAD 42 GANG HOMICIDES LAST YEAR, WHICH IS A SAD
17 NUMBER; BUT BELIEVE IT OR NOT, THAT IS GOOD NEWS BECAUSE IT WENT
18 DOWN 40 PERCENT FROM THE PRIOR YEAR. AND WHY? PEOPLE WILL GIVE
19 SOME CREDIT TO THE TARGET TEAMS, WHICH I'LL TALK ABOUT IN A
20 MINUTE, AND SOME OF THE PREVENTATIVE MEASURES THAT HAVE BEEN DONE
21 BY THE SCHOOLS AND OTHER ORGANIZATIONS, THOUGH CRIMINAL CHARGES
22 WERE FILED AGAINST 3,500 SEPARATE PETITIONS OF COMPLAINTS IN
23 ORANGE COUNTY. THEY'RE LARGE NUMBERS. CONVICTIONS WERE OBTAINED
24 IN LOTS OF THE TRIALS AND SO ON.

25 IN TERMS OF THE ETHNIC MAKE-UP OF FILED CASE,

1 AND AGAIN THOSE ARE CASES SOLVED, IT WAS 64 PERCENT HISPANIC GANG
2 MEMBERS; 8.5 PERCENT ASIAN; AND THEN, 14.4 PERCENT OTHER. THAT
3 COULD BE BLACK OR WHITE, WHICH ARE VERY SMALL IN ORANGE COUNTY IN
4 TERMS OF THE GANGS. 5.5 PERCENT WERE FROM OTHER COUNTIES, AND
5 8.2 PERCENT WERE TAGGERS. SO, EVERY GANG IS SERIOUS, BUT THE
6 MOST SERIOUS GANGS IN ORANGE COUNTY, BY NUMBERS AT LEAST, ARE
7 HISPANIC AND ASIAN.

8 ORANGE COUNTY IS KNOWN THROUGHOUT THE STATE AS
9 HAVING A TEAM APPROACH TO GANGS. WE HAVE NEVER FELT THAT LAW
10 ENFORCEMENT WAS THE TOTAL SOLUTION TO GANGS. IN 1992, THE CHIEFS
11 OF POLICE AND SHERIFFS' ASSOCIATION GOT TOGETHER WITH EDUCATORS
12 AND PRIVATE ENTERPRISE AND TREATMENT PROVIDERS TO TRY TO DEAL
13 WITH THE GANG PROBLEM.

14 SO, TO ITS CREDIT, LAW ENFORCEMENT HAS NOT FELT
15 THAT JUST TOUGH SENTENCING IS THE SOLE SOLUTION. WE DO NOT. WE
16 DO FEEL THAT TOUGH SENTENCING IS THE SOLUTION FOR VIOLENT LEADERS
17 OF GANGS, BUT WE DON'T FEEL IT'S THE SOLUTION FOR ALL.

18 IN 1992, THE GREAT COMPUTER, WHICH I'M SURE
19 THERE'LL BE A LOT OF TALK ABOUT TODAY, WAS INSTITUTED IN ORANGE
20 COUNTY. IT STARTED IN LOS ANGELES; AND "GREAT" STANDS FOR GANG
21 REPORTING, EVALUATION AND TRACKING SYSTEM. I BELIEVE THAT THERE
22 ARE GOOD SAFEGUARDS TO ENSURE THAT PEOPLE ARE NOT PUT IN THAT
23 COMPUTER HAPHAZARDLY OR BASED ON RUMORS. 80 PERCENT OF THE
24 PEOPLE IN THAT COMPUTER HAVE ADMITTED TO BEING THE GANG MEMBERS.

25 THE OTHER BIG DEVELOPMENT IN ORANGE COUNTY,

1 WHICH STARTED IN 1992, IS "TARGET," TRI AGENCY RESOURCE GANG
2 ENFORCEMENT TEAM. THAT WAS AN INNOVATIVE PROGRAM BY THE CHIEF OF
3 POLICE FROM WESTMINSTER, WHICH YOU'RE GOING TO HEAR FROM THIS
4 AFTERNOON; AND HE DECIDED THAT THE TREATMENT TO GANGS WAS MUCH
5 TOO FRAGMENTED: PROSECUTORS WERE DOING THEIR THING IN COURT, AND
6 POLICE WERE DOING THEIR THING ON THE STREETS; AND AFTER
7 CONVICTION, PROBATION WAS DOING ITS THING. AND HE CAME UP WITH A
8 RATHER SIMPLE BUT EFFECTIVE IDEA OF, LET'S PUT ALL THESE PEOPLE
9 IN THE SAME ROOM. LET'S HAVE TWO POLICE OFFICERS, A PROSECUTOR,
10 A DISTRICT ATTORNEY'S INVESTIGATOR, WHICH IS A SPECIALIZED KIND
11 OF PROSECUTOR, AND A PROBATION OFFICER AND HAVE THEM WORK
12 TOGETHER IN THE SAME ROOM IN THE POLICE DEPARTMENT, NOT PHONE
13 TAGS AND E-MAILS AND WHAT HAVE YOU. AND HE WILL GO INTO THIS
14 PROBABLY IN MORE DETAIL; BUT IN THE FIRST YEAR -- AFTER THE FIRST
15 YEAR, HE WAS ABLE TO SHOW BY ROCK-SOLID STATISTICS THAT CAL STATE
16 LONG BEACH WAS LOOKING AT, THAT GANG CRIME HAD GONE DOWN OVER
17 60 PERCENT IN ONE YEAR. IN LOOKING AT THE STATE, THAT IS AN
18 AMAZING RECORD; AND WE BELIEVE THAT THAT IS A PRECURSOR PROGRAM
19 FOR ALL OTHER COUNTIES.

20 IN 1994, WE ADDED TEAMS TO VARIOUS OTHER
21 CITIES. SO, THERE ARE NOW 11 TEAMS IN SEVEN CITIES. WE HAVE
22 ALSO DONE MULTI-COMPONENT GRANTS OF LA HABRA. FULLERTON AND
23 SANTA ANA HAVE GRANTS, WHERE IT'S LAW ENFORCEMENT, AGAIN, WORKING
24 WITH PREVENTION PROGRAMS. IN FULLERTON, FOR EXAMPLE, IT'S VERY
25 HEAVILY INTO TRUANCY. WE'RE NOT TAKING JUST A LOCK-'EM-UP

1 APPROACH IN ORANGE COUNTY.

2 AND FINALLY, ONE OF THE AREAS YOU'LL BE TALKING
3 ABOUT IS THE USE OF GANG INJUNCTIONS. IN WESTMINSTER IN 1993, WE
4 DID A GANG INJUNCTION. IT WAS TOSSED OUT BY THE SUPERIOR COURT.
5 WE WENT UP ON APPEAL; AND THEN, IT WAS MOOTED BECAUSE, AS YOU
6 KNOW, THE CALIFORNIA SUPREME COURT IN JANUARY CAME DOWN WITH A
7 DECISION WHICH OPPOSED GANG INJUNCTIONS.

8 SO, AS WE LOOK AT THE GANG SITUATION IN ORANGE
9 COUNTY, WE HAVE THIS BALANCING ACT THROUGHOUT THE LEGAL SYSTEM IN
10 THE UNITED STATES. WE WANT TO BE FREE; WE DON'T WANT TO BE
11 ROUSTED; BUT ON THE OTHER HAND, WE WANT TO BE SECURE IN OUR
12 HOMES. AND IF I HAD TIME, I'D READ YOU FROM SOME OF THE
13 CALIFORNIA SUPREME COURT'S LANGUAGE IN THE INJUNCTION CASE,
14 TALKING ABOUT HOW THE PEOPLE -- AND THIS WAS IN SAN JOSE -- WERE
15 PRISONERS IN THEIR HOMES BECAUSE OF THE ACTIVITIES OF THE GANGS;
16 AND CONCLUDING WITH, THE SECURITY AND PROTECTION OF THE COMMUNITY
17 IS THE BEDROCK UPON WHICH THE SUPERSTRUCTURE OF INDIVIDUAL
18 LIBERTY RESTS. IN OTHER WORDS, WE CANNOT BE FREE IF WE ARE
19 PLAGUED BY CRIMINALS.

20 SO, IT'S NOT AN ALL-OR-NOTHING THING. WE CAN'T
21 GO SIMPLY TO INDIVIDUAL RIGHTS OR SIMPLY TO LAW AND ORDER. IN
22 TERMS OF THE LAW, MANY PEOPLE WILL BE UPSET WITH THE LAW; AND
23 PERHAPS, I AND THE PUBLIC DEFENDER AND THE ACLU WILL NOT AGREE ON
24 WHAT THE LAW IS TODAY, BUT I WILL GIVE YOU MY VIEW IN TERMS OF
25 PHOTOGRAPHING, WHICH SEEMS TO BE ONE OF THE MAIN AREAS OF

1 DETENTION. AS WE WALK DOWN THE STREET, CAN POLICE TAKE OUR
2 PHOTOGRAPH BECAUSE WE ARE THERE IN PLAIN VIEW? I BELIEVE THEY
3 CAN. YOU SEE SURVEILLANCE TAPES OF PEOPLE DOING DOPE
4 TRANSACTIONS ON STREET CORNERS. THAT'S PERFECTLY LEGAL, I
5 BELIEVE. YOU'LL SEE TAPES OF JOHN GOTTI TALKING TO PEOPLE
6 OUTSIDE HIS RESTAURANT IN LITTLE ITALY IN NEW YORK, AND THAT'S
7 PERFECTLY LEGAL. THE PROBLEM IS IF POLICE STOP SOMEONE AND
8 DETAIN THEM FOR THE PHOTOGRAPHS.

9 YOU'RE PROBABLY FAMILIAR WITH A CASE THAT CAME
10 OUT OF ORANGE COUNTY IN 1993, WHICH WAS A SITUATION WHERE THE
11 OFFICERS SAID, "STAY THERE," AND TALKED TO SOME MINORS AND TAKE
12 THEIR PICTURE; AND THE COURT FELT THAT SIMPLY BECAUSE THEY LOOKED
13 LIKE GANG MEMBERS WAS NOT GROUNDS FOR DETAINING THEM, AND I AGREE
14 WITH THAT. POLICE ARE TOLD IN ORANGE COUNTY -- AND IT'S BEEN
15 GONE INTO IN GREAT DETAIL WITH LAW ENFORCEMENT -- THAT TO DETAIN
16 SOMEONE TO TAKE THEIR PICTURE, YOU NEED SOME REASONABLE SUSPICION
17 OF CRIMINAL ACTIVITY. NOW, THAT DOESN'T MEAN CERTAINTY OF
18 CRIMINAL ACTIVITY, BUT SOME REASONABLE SUSPICION. ON THE OTHER
19 HAND, POLICE HAVE THE RIGHT TO GO TO TALK TO PEOPLE CONSENSUALLY
20 AND SAY, "DO YOU MIND IF I ASK YOU A FEW QUESTIONS?" THAT'S
21 CONSIDERED ALL RIGHT, TOO. THAT'S NOT A "STAY HERE, YOU CAN'T
22 MOVE" KIND OF KING.

23 SO, POLICE DO HAVE THE ABILITY UNDER THE LAW,
24 AS I SEE IT, BOTH FEDERAL LAW AND STATE LAW -- WHICH I BELIEVE
25 ARE JUST PRETTY MUCH ON POINT TOGETHER ON THIS TOPIC -- TO DETAIN

1 PEOPLE IF THERE'S REASONABLE SUSPICION OF CRIMINAL ACTIVITY OR TO
2 HAVE A CONSENSUAL ENCOUNTER. THAT'S THE LEGAL TERM FOR JUST A
3 CITIZEN TALKING TO A POLICE OFFICER, AND THEY CAN TAKE PICTURES.

4 SO, THESE ARE CONTROVERSIAL AREAS, BUT I
5 BELIEVE THAT'S WHAT THE LAW IS; AND WE'LL SEE IF MY COLLEAGUES
6 AGREE WITH THAT.

7 MR. CREW: AGAIN, I'M JOHN CREW FROM THE ACLU OF NORTHERN
8 CALIFORNIA, AND I'M HERE TODAY BECAUSE WE'RE VERY PLEASED THAT
9 THIS COMMITTEE IS LOOKING INTO THESE ISSUES. THESE ARE ISSUES
10 THAT WE BELIEVE HAVE MUCH BROADER IMPACT THAN JUST ORANGE COUNTY.
11 THEY'RE ISSUES OF GREAT IMPORTANCE THROUGHOUT THE STATE; AND IN
12 DEED, WE BELIEVE WILL BE AN INCREASING IMPORTANCE NATIONWIDE.

13 AND I WOULD LIKE TO PICK UP ON WHAT MR. --

14 REPORTER: CAN I ASK YOU TO SLOW DOWN JUST A LITTLE BIT?

15 MR. CREW: IN THE INTEREST OF TIME, WITH A TEN-MINUTE
16 LIMITATION, I AM GOING TO RESPECTFULLY REQUEST PERMISSION TO TALK
17 FAST AND SUPPLEMENT THE RECORD LATER, IF YOU LIKE.

18 I UNDERSTAND YOU MAY NOT BE ABLE TO KEEP UP,
19 BUT WE'VE GOT A LOT OF INFORMATION TO COVER. I DON'T KNOW WHAT
20 THE PLEASURE OF THE COMMITTEE IS.

21 DR. HERNANDEZ: OKAY. LET'S TRY AND STRIKE A BALANCE
22 SOMEWHERE IN BETWEEN TALKING MODERATELY FAST, OKAY?

23 MR. CREW: ARE THESE PROCEEDINGS AUDIOTAPE-RECORDED, AS
24 WELL?

25 DR. HERNANDEZ: YES, I THINK WE HAVE ONE -- WELL, THAT'S FOR

1 THE PRESS. THIS IS THE RECORD HERE.

2 MR. CREW: AGAIN, WE WOULD BE HAPPY TO SUPPLEMENT OUR
3 PRESENTATION WITH WRITTEN COMMENTS, IF THAT ASSISTS YOU; AND AS
4 YOU KNOW, WE'VE SUBMITTED A LOT OF WRITTEN MATERIALS ALREADY.

5 I APOLOGIZE TO THE COURT REPORTER. WE HAVE A
6 GREAT DEAL OF INFORMATION.

7 REPORTER: THAT'S OKAY.

8 MR. CREW: I DID WANT TO START WITH SOME COMMON GROUND WITH
9 MR. CONLEY. CERTAINLY, NO ONE WOULD DISPUTE -- THE ACLU WOULDN'T
10 DISPUTE -- THE ENORMOUS TOLL THAT YOUTH CRIME AND VIOLENCE TAKES
11 IN SO MANY OF OUR COMMUNITIES; AND IN SOME WAYS, THAT'S THE MOST
12 IMPORTANT FACTOR. THE CONCERNS THAT WE HAVE, IN SOME WAYS THE
13 MOST IMPORTANT PART OF IT, IS HOW THOSE CONCERNS INTERFERE WITH
14 LAW ENFORCEMENT, WITH THE COMMUNITY'S EFFORTS TO DEAL WITH YOUTH
15 CRIME AND VIOLENCE.

16 SO, IT'S NOT JUST THE DAMAGE THAT IS DONE TO
17 THE FOURTH AMENDMENT, IF IN FACT YOUNG PEOPLE ARE DETAINED
18 WITHOUT CAUSE OR CONSENT OR PHOTOGRAPHED IN THOSE CIRCUMSTANCES;
19 IT'S NOT JUST THE ENORMOUS PRIVACY IMPLICATIONS WHEN GOVERNMENT
20 CREATES A DATABASE OF HUNDREDS OF THOUSANDS OF INDIVIDUALS WHO
21 HAVE NOT BEEN ARRESTED OR CONVICTED OF CRIMES; IT'S NOT JUST THE
22 DUE-PROCESS CONCERNS, WHEN PEOPLE ARE LABELED AS SUSPECTED GANG
23 MEMBERS WITHOUT NOTICE, WITHOUT ANY OPPORTUNITY TO APPEAL AND AT
24 TIMES, ALMOST THROUGH A GUILT-BY-ASSOCIATION CONTEXT; IT'S NOT
25 JUST THE CIVIL RIGHTS IMPLICATIONS, WHEN THESE TACTICS SEEM TO BE

1 APPLIED ALMOST EXCLUSIVELY TO PEOPLE OF COLOR. THOSE, OBVIOUSLY,
2 ARE IMPORTANT ISSUES AND IMPORTANT ISSUES TO THE ACLU; BUT
3 ULTIMATELY, YOU HAVE TO COME BACK TO THE PROBLEM OF YOUTH CRIME
4 AND VIOLENCE.

5 LAW ENFORCEMENT EXECUTIVES AROUND THE COUNTRY
6 UNDERSTAND THAT THE BEST WEAPON THEY HAVE IN FIGHTING CRIME IS
7 COMMUNITY TRUST AND CONFIDENCE; AND IF YOU'RE GOING TO WORK ON
8 YOUTH CRIME AND YOUTH VIOLENCE, YOU NEED TO BE VERY CAREFUL THAT
9 YOU NOT ALIENATE THE VERY POPULATION YOU NEED WITH
10 OVER-AGGRESSIVE OR OVERBROAD TACTICS THAT YOU WILL NEED TO SOLVE
11 THAT PROBLEM. SO, I THINK THAT WE'RE IN AGREEMENT IN THAT
12 CONTEXT WITH MR. CONLEY.

13 I THINK WHERE WE DO DISAGREE, AND WHERE I WANT
14 TO FOCUS MY REMARKS, IS THE GREAT DATABASE. WE BELIEVE THERE ARE
15 NO ADEQUATE SAFEGUARDS TO PROTECT PEOPLE FROM BEING FALSELY
16 LABELED "GANG MEMBERS" IN THE SYSTEM. AND IN THE BRIEF TIME THAT
17 I HAVE, I WANT TO BRIEFLY DESCRIBE THE GREAT COMPUTER: WHAT IT
18 IS, HOW PEOPLE GET IN, HOW THEY GET OUT, IF THEY CAN GET OUT, WHO
19 IS BEING LABELED IN THE GREAT COMPUTER, AND WHY WE BELIEVE THIS
20 GREAT DATABASE IS GROWING.

21 FIRST OF ALL, THE GREAT DATABASE, NOW, IS A
22 STATEWIDE COMPUTER SYSTEM. THERE ARE 200 TO 250,000 INDIVIDUALS
23 WHO STAND ACCUSED IN THIS DATABASE OF BEING GANG MEMBERS OR GANG
24 ASSOCIATES. TO OUR KNOWLEDGE, THE VAST MAJORITY OF THE PEOPLE IN
25 THAT SYSTEM DO NOT KNOW THAT THEY HAVE BEEN ACCUSED, AND THEY'VE

1 BEEN GIVEN NO OPPORTUNITY TO CONTEST THAT LABEL; AND IT IS NOT
2 JUST PHYSICAL RECORDS, DATA REGARDING THE INDIVIDUAL, BUT THE
3 SYSTEM NOW HAS THE CAPACITY TO ENTER DIGITAL PHOTOGRAPHS,
4 DIGITIZED PHOTOGRAPHS INTO THE SYSTEM THAT ARE, THEN,
5 RETRIEVABLE. AND AS A STATEWIDE SYSTEM, THAT MEANS THAT LAW
6 ENFORCEMENT AGENCIES THAT ARE ONLINE HAVE ACCESS NOT ONLY TO
7 THEIR OWN GANG RECORDS BUT, NOW, GANG RECORDS FROM ANYONE ELSE
8 THAT IS PART OF THE SYSTEM THAT HAS ENTERED THAT INFORMATION.
9 AND OUR MOST RECENT INFORMATION IS THAT THERE ARE AT LEAST 150
10 AGENCIES -- LAW ENFORCEMENT AGENCIES THAT ARE ONLINE, PRIMARILY
11 IN CALIFORNIA, ALTHOUGH WE UNDERSTAND THAT THERE ARE AT LEAST
12 FOUR STATES PARTICIPATING.

13 THERE IS AN INDEPENDENT FEDERAL GANG COMPUTER
14 BEING CREATED. IN THE INTEREST OF TIME, WE CANNOT TALK ABOUT
15 THAT RIGHT NOW; BUT WITH RESPECT TO THE GREAT DATABASE, YOU HAVE
16 150 DIFFERENT LAW ENFORCEMENT AGENCIES ENTERING RECORDS. AND IF
17 THE ORANGE COUNTY REGIONAL NODE OF GREAT WANTS INFORMATION, THEY
18 CAN PULL DOWN RECORDS AND -- IN SOME SITUATIONS -- PHOTOGRAPHS
19 FROM, FOR EXAMPLE, THE PETALUMA POLICE DEPARTMENT IN SONOMA
20 COUNTY. THAT IS THE SCOPE OF THIS SYSTEM. AND WHAT'S MOST
21 REMARKABLE ABOUT GREAT AND WHAT IS COMPLETELY UNIQUE, IN MY
22 EXPERIENCE IN 12 YEARS WORKING ON POLICE ISSUES FOR THE NORTHERN
23 CALIFORNIA ACLU, IS THAT THIS IS AN INTELLIGENCE DATABASE THAT
24 HAS BEEN CREATED AND HAS GROWN WITHOUT STANDARDIZED CRITERIA.

25 IT WAS CONFIRMED TO US LAST WEEK THAT, AT THIS

1 MOMENT, THERE ARE NO STATEWIDE CRITERIA DEFINING WHO SHOULD BE
2 LABELED A GANG MEMBER AND WHO SHOULD NOT BE LABELED A GANG
3 MEMBER; AND IN SOME OF THE INFORMATION THAT WE'VE PROVIDED YOU,
4 WE HAVE SHOWN THAT THIS HAS BEEN A TOPIC OF CONVERSATION WITHIN
5 LAW ENFORCEMENT FOR FIVE YEARS. AND FROM OUR POINT OF VIEW, YOU
6 BEGIN A DATABASE, AND EVERY OTHER DATABASE THAT I'M AWARE OF,
7 WITH INTELLIGENCE RECORDS BY DEFINING WHO IT IS YOU ARE TRYING TO
8 LABEL TO BEGIN WITH; AND THEN, YOU BEGIN COLLECTING THE
9 INFORMATION. THIS DATABASE HAS REVERSED THAT AND HAS GONE THE
10 OPPOSITE DIRECTION.

11 IN THE ABSENCE OF STATEWIDE CRITERIA, WE HAVE
12 SEEN AND HAVE COLLECTED A VARIETY OF POLICIES FROM LAW
13 ENFORCEMENT AGENCIES AROUND THE STATE. WE DON'T HAVE TIME, AT
14 THIS POINT, TO GO POINT BY POINT IN SOME OF THE CRITERIA, BUT I
15 MUST TELL YOU, IF YOU LOOK AT IT, SOME OF THE APPROACHES APPEAR
16 TO BE ALMOST A WE-KNOW-IT-WHEN-WE-SEE-IT KIND OF APPROACH; THAT
17 WE LABEL "GANG MEMBERS" ALMOST ON THE DUCK TEST: IF IT WALKS
18 LIKE A DUCK OR WADDLES LIKE A DUCK, THEN IT MUST BE A DUCK.

19 WELL, IF YOU'RE TALKING ABOUT LABELING SOMEBODY
20 WITH SUCH A STIGMATIZING LABEL AS BEING A GANG MEMBER, YOU OUGHT
21 TO TAKE MUCH MORE THAN THAT SUPERFICIAL GLANCE. THERE OUGHT TO
22 BE FUNDAMENTALLY PARTICULAR INFORMATION THAT -- TO BELIEVE THAT
23 THAT INDIVIDUAL IS ENGAGED IN CRIMINAL ACTIVITY. AND THE GREAT
24 DATABASE AND THE ENTRIES IGNORE SOME BASIC REALITIES:

25 NO. 1, NOT EVERY YOUNG PERSON THAT FITS SOME

1 STEREOTYPICAL IMAGE OF WHAT A GANG MEMBER LOOKS LIKE IS, IN FACT,
2 A GANG MEMBER.

3 NO. 2, NOT EVERY ASSOCIATION OF YOUNG PEOPLE,
4 EVEN IF YOU WANT TO CALL THEM A GANG, IS NECESSARILY A GANG THAT
5 IS ENGAGED IN CRIMINAL ACTIVITY.

6 AND NO. 3, EVEN IN THOSE SITUATIONS WHERE A
7 GANG IS ENGAGED IN CRIMINAL ACTIVITY -- IT IS A CRIMINAL STREET
8 GANG UNDER THE PENAL CODE -- NOT EVERY MEMBER IN THAT GANG IS
9 NECESSARILY A PARTICIPANT OR HAS KNOWLEDGE OR IS PROMOTING THOSE
10 CRIMINAL ACTIVITIES; AND THOSE BASIC FUNDAMENTAL CONCEPTS ARE
11 BEING IGNORED IN THE GREAT DATABASE.

12 AND, PERHAPS, THE BEST WAY TO EXPLAIN THIS IS
13 TO, PERHAPS, USE AN EXAMPLE, PUTTING THE SHOE ON THE OTHER FOOT:
14 IF WE HAD A LAW ENFORCEMENT AGENCY WHERE A SMALL GROUP OF
15 OFFICERS, FIVE TO SIX OFFICERS, WAS ENGAGED IN A PATTERN OF
16 CRIMINAL CORRUPTION AND CRIMINAL EXTORTION AND ENGAGED IN A
17 PATTERN OF HARASSMENT AND INTIMIDATION IN THE NEIGHBORHOOD,
18 OBVIOUSLY EVERYONE WOULD AGREE THAT THOSE FOUR OR FIVE OFFICERS
19 OUGHT TO BE TREATED AS CRIMINALS AND PROSECUTED; BUT I DON'T KNOW
20 THAT ANYONE WOULD SUGGEST THAT EVERYONE ELSE WHO HAPPENS TO BE A
21 MEMBER OF THAT POLICE DEPARTMENT, BY VIRTUE OF USING THE SAME
22 SYMBOLIST UNIFORMS AND BEING PART OF THAT ORGANIZATION
23 ASSOCIATION, ALSO OUGHT TO BE VIEWED AS SUSPECTS BECAUSE SOME
24 INDIVIDUALS IN THAT GROUP ARE, IN FACT, CRIMINALS. YET, WHEN
25 WE'RE TALKING ABOUT GANGS AND WHEN WE'RE TALKING ABOUT CREATING

1 INTELLIGENCE DATABASES, THAT'S EXACTLY WHAT WE'RE DOING TO YOUNG
2 PEOPLE ALL OVER THE STATE. WE ARE PUNISHING THEM. WE ARE
3 LABELING THEM BASED ON THEIR ASSOCIATIONS. I DON'T HAVE TIME TO
4 GET INTO ALL THE CRITERIA.

5 I HEARD, FOR THE FIRST TIME, THE FIGURE THAT
6 80 PERCENT OF THE PEOPLE IN THE DATABASE ARE THERE BASED ON THE
7 SELF-ADMISSION CRITERIA.

8 MR. CONLEY: THAT'S ORANGE COUNTY.

9 MR. CREW: OKAY. I WAS GOING TO ASK IF THAT'S ORANGE COUNTY
10 OR NOT.

11 EVEN LOOKING AT SELF-ADMISSION, JUST FOR A
12 MOMENT, I NEED TO ASK PEOPLE TO STOP AND THINK. FIRST OF ALL,
13 WHEN PEOPLE ARE ASKED THAT QUESTION, YOU HAVE TO THINK ABOUT THE
14 CIRCUMSTANCES IN WHICH THEY ARE ASKED. I AM NOT AWARE THAT WHEN
15 PEOPLE ARE ASKED THAT QUESTION, LAW ENFORCEMENT ASKS, "ARE YOU A
16 MEMBER OF A CRIMINAL STREET GANG WITH KNOWLEDGE AND ACTED
17 PARTICIPATION THAT YOU'RE ENGAGED IN CRIMINAL ACTIVITY?" I AM
18 NOT AWARE THAT LAW ENFORCEMENT SAYS, IF YOU SAY, "YES," YOU'RE A
19 MEMBER OF A GANG, WE'RE GOING TO PUT YOU IN A DATABASE THAT'S
20 GOING TO BE ACCESSIBLE TO LAW ENFORCEMENT AROUND THE COUNTY; AND
21 I'M NOT AWARE -- "SELF-ADMISSION" SOUNDS LIKE AN INHERENTLY
22 RELIABLE CRITERIA, BUT THINK ABOUT THE REAL WORLD. IF YOU'RE OUT
23 THERE, TEENAGERS, STOPPED COLLECTIVELY BY LAW ENFORCEMENT; AND AN
24 OFFICER ASKS YOU WHO YOU CLAIM, THE REALITY, FOR BETTER OR WORSE,
25 IS THERE'S A LOT OF WANNA-BE'S OUT THERE. AND SOME KIDS ARE

1 GONNA SAY, "YEAH, I'M A SUCH-AND-SUCH GANG MEMBER," BECAUSE THEY
2 WANT TO ACT TOUGH. THERE WILL BE SOME SITUATIONS WHERE PEOPLE
3 ARE GOING TO HAVE TO CLAIM GANG MEMBERSHIP FOR THEIR OWN
4 SELF-PROTECTION. THAT SELF-ADMISSION, IN AND OF ITSELF, IS NOT
5 ANY PARTICULAR REASONABLE SUSPICION TO BELIEVE THAT SOMEONE IS
6 ENGAGED IN CRIME; AND THAT IS THE FUNDAMENTAL FLAW IN THE SYSTEM.

7 WE HAVE GIVEN YOU A MEMORANDUM -- A LEGAL
8 MEMORANDUM PREPARED BY THE CALIFORNIA DEPARTMENT OF JUSTICE THREE
9 YEARS AGO THAT POINTS OUT VERY CLEARLY, THERE NEEDS TO BE A
10 CRIMINAL PREDICATE FOR ANY INTELLIGENCE INFORMATION ENTERED INTO
11 THIS SORT OF DATABASE. THREE YEARS LATER, THAT PROBLEM STILL HAS
12 NOT BEEN SOLVED BY THIS DATABASE. WHO GETS INTO THIS SYSTEM?
13 OVERWHELMING, PEOPLE WHO GET INTO THE SYSTEM ARE PEOPLE OF COLOR.

14 THREE WEEKS AGO AT A GANG SYMPOSIUM, THE
15 L.A.P.D. RELEASED NUMBERS THAT SHOWED, FOR THEIR PART OF THE
16 DATABASE, 98 PERCENT OF THE PEOPLE THAT HAD BEEN LABELED AS GANG
17 MEMBERS, ASSOCIATES, OR AFFILIATES -- 98 PERCENT WERE PEOPLE OF
18 COLOR; IN SAN JOSE, 97 PERCENT; ALAMEDA COUNTY SHERIFF,
19 97 PERCENT; CONTRA COSTA COUNTY SHERIFF, 100 PERCENT
20 AFRICAN-AMERICAN; SAN LEANDRO, 89 PERCENT; SUNNYVALE, 87 PERCENT;
21 HAYWARD, 83 PERCENT, AND ON AND ON AND ON. WE ARE ATTACHING THIS
22 LABEL ALMOST EXCLUSIVELY TO YOUNG PEOPLE OF COLOR.

23 I WANT TO THROW ANOTHER NUMBER AT YOU. IT'S
24 NOT JUST THE PROPORTION OF YOUNG PEOPLE IN THE DATABASE THAT ARE
25 PEOPLE OF COLOR, BUT WHAT ARE YOUR CHANCES OF BEING LABELED A

1 GANG MEMBER? THE DISTRICT ATTORNEY'S OFFICE IN LOS ANGELES --
2 NOT THE ACLU, THE DISTRICT ATTORNEY'S OFFICE, IN 1982 -- 1992,
3 LOOKED AT THE GREAT NUMBERS IN LOS ANGELES COUNTY, AND THEY FOUND
4 IF YOU WERE AN AFRICAN-AMERICAN MAN BETWEEN THE AGES OF 21 AND
5 24, 47 PERCENT OF THE TOTAL POPULATION IN THAT CATEGORY HAD BEEN
6 LABELED IN THEIR GANG RECORDS AS A GANG MEMBER OR GANG ASSOCIATE.
7 YOU HAD A ONE-IN-TWO CHANCE FOR THE FULL POPULATION HAVING HAD
8 THAT STIGMATIZING LABEL ATTACHED TO YOU.

9 AND IN FAIRNESS TO LOS ANGELES, THEY'RE NOT
10 ALONE. THREE YEARS AGO, THE DENVER POLICE RELEASED FIGURES
11 SHOWING THAT TWO OUT OF THREE YOUNG AFRICAN-AMERICAN MEN HAD BEEN
12 LABELED "GANG MEMBERS" BY THAT COMPUTER. THE NAACP SPOKESPERSON
13 CALLED IT A "BLACK LIST"; AND TO THE CREDIT OF DENVER, WHEN THOSE
14 FIGURES CAME OUT, THEY ACKNOWLEDGED THAT THERE MUST BE SOMETHING
15 WRONG WITH THE CRITERIA THEY WERE USING. AND THEY UNDERTOOK A
16 MASSIVE PURGE ON THEIR SYSTEM AND REEVALUATED THAT SYSTEM IN A
17 WAY THAT HAS NOT TAKEN PLACE IN CALIFORNIA.

18 LET ME WRAP UP, IN INTEREST OF TIME, BY SAYING
19 THAT PART OF THE PROBLEM IS: ONCE YOU GET IN THE SYSTEM, IT IS
20 VERY HARD TO GET OUT. THE ONLY PURGE CRITERIA IS IF THERE'S NO
21 ACTIVITY IN YOUR RECORD WITHIN FIVE YEARS. "NO ACTIVITY," MEANS
22 THAT LAW ENFORCEMENT HASN'T STOPPED YOU AND UPDATED YOUR RECORD.
23 LET ME BACK UP A SECOND. THE GREAT -- THE GENERAL ACCOUNTING
24 OFFICE FIVE YEARS AGO DID A SURVEY -- A SAMPLE OF THE LOS ANGELES
25 NUMBERS. THEY FOUND THAT IN THAT PARTICULAR COMMUNITY,

1 44 PERCENT, NEARLY ONE IN TWO PEOPLE THAT HAD BEEN ENTERED INTO
2 THIS SYSTEM, HAD NOT BEEN ARRESTED. OKAY, PEOPLE SHOULD NOT
3 ASSUME THAT THE PEOPLE THAT ARE IN THIS DATABASE ARE ACTIVE
4 CRIMINAL GANG MEMBERS. I THINK THAT STATISTIC, IN AND OF ITSELF,
5 SHOWS YOU HOW OVERBROAD THIS SYSTEM IS. YET, WHEN YOU GET IN THE
6 SYSTEM, YOU DON'T GET OUT, OKAY, UNLESS YOU HAVE -- ESSENTIALLY
7 HAVE NO CONTACT WITH LAW ENFORCEMENT FOR FIVE YEARS. IT DOESN'T
8 MEAN ARREST AND CONVICTION. IT MEANS, IF I'VE BEEN LABELED A
9 GANG MEMBER FOUR-AND-A-HALF YEARS AGO, AND I GET DETAINED FOR
10 SOME PARTICULAR REASON, LAW ENFORCEMENT UPDATES MY ADDRESS, I'M
11 IN FOR ANOTHER FIVE YEARS.

12 NOW, THERE HAS BEEN A LOT OF DEBATE, AND LAW
13 ENFORCEMENT CRITERIA HAS BEGAN TO SHIFT SOMEWHAT. WHAT WE DON'T
14 KNOW IS WHETHER OR NOT -- IF THE CRITERIA CHANGES, WHETHER OR NOT
15 THEY WILL PURGE ALL OF THE OLD RECORDS ENTERED UNDER WHAT WILL,
16 THEN, BE ADMITTED AS UNRELIABLE CRITERIA.

17 FINALLY, LET ME JUST POINT OUT TWO THINGS: ONE
18 OF OUR CONCERNS IS A FINANCIAL MOTIVATION ON THE PART OF LAW
19 ENFORCEMENT TO OVERESTIMATE THE SIZE OF GANG MEMBERSHIP IN THEIR
20 COMMUNITY. WITH SHRINKING LOCAL DOLLARS -- GOVERNMENT DOLLARS TO
21 PAY FOR A VARIETY OF COMMUNITY SERVICES, INCLUDING LAW
22 ENFORCEMENT, PEOPLE UNDERSTANDABLY TURN TO GRANT FUNDS; AND SOME
23 OF THE GRANT MONEY THAT'S AVAILABLE THROUGH THE STATE OFFICE OF
24 CRIMINAL JUSTICE PLANNING, THROUGH THE FEDERAL GOVERNMENT,
25 THROUGH THE COPS PROGRAM, AND THROUGH THE DEPARTMENT OF JUSTICE

1 IS UNDERSTANDABLY AIMED AT FOCUSING ON GANG TACTICS. BUT LET ME
2 GIVE YOU ONE EXAMPLE: THE OAKLAND POLICE DEPARTMENT LAST YEAR
3 SUBMITTED AN ANTI-GANG APPLICATION -- GRANT APPLICATION TO THE
4 FEDERAL GOVERNMENT, AND THEY CLAIMED THAT THEY HAD DOCUMENTED A
5 300-PERCENT INCREASE IN GANG MEMBERSHIP IN OAKLAND IN JUST A
6 THREE-YEAR PERIOD, AT A TIME WHERE THE CRIME RATE WAS DROPPING.
7 A 300-PERCENT INCREASE IN GANG MEMBERSHIP IS ALMOST BEYOND
8 BELIEF; BUT IN RETURN, THEY WERE AWARDED A HALF A MILLION DOLLARS
9 FOR THEIR GANG-TRACKING EFFORTS. OF THAT HALF-A-MILLION DOLLARS,
10 80 PERCENT WENT TO PAY FOR POLICE OFFICER SALARIES AND FRINGE
11 BENEFITS. AND WE ARE SEEING SIMILAR SORTS OF CONCERNS IN AREAS
12 AS FAR NORTH AS TULE LAKE, WHERE LAW ENFORCEMENT IS
13 SYSTEMATICALLY GOING OUT TO CREATE A GANG LIST THAT APPARENTLY
14 DOESN'T HAVE PARTICULAR INVESTIGATIVE VALUE.

15 IN CLOSE, WE HAVE BEEN DOWN THIS PATH BEFORE,
16 WHERE PEOPLE ARE LABELED A CERTAIN WAY; WHERE GOVERNMENT KEEPS A
17 LIST OF INDIVIDUALS, SOMETIMES BASED ON SOMEONE IDENTIFYING THEM,
18 WITHOUT ANY SORT OF OPPORTUNITY TO KNOW OR CONTEST THAT
19 PARTICULAR LABEL. IN THOSE DAYS, THE LABEL THAT WAS ATTACHED WAS
20 "COMMUNIST." THESE DAYS, IT'S "GANG"; AND THESE DAYS, IT'S
21 HAPPENING ALMOST EXCLUSIVELY TO PEOPLE OF COLOR. IT IS
22 DESTRUCTIVE NOT ONLY TO OUR CIVIL LIBERTIES AND CIVIL RIGHTS, IT
23 IS DESTRUCTIVE TO POLICE-COMMUNITY RELATIONS, WHICH ULTIMATELY IS
24 CRUCIAL TO ADDRESS THIS ISSUE.

25 THANK YOU FOR YOUR PATIENCE.

1 MR. PARACHINI: THANK YOU VERY MUCH. I'LL TRY TO BE VERY
2 BRIEF AND RACE THROUGH TWO DIFFERENT ISSUES.

3 FIRST OF ALL, I FEEL VERY MUCH LIKE A MINORITY
4 HERE AT THE TABLE. I'M THE ONLY NON-LAWYER; BUT I WANT TO ASSURE
5 YOU IN OPENING -- AND I'M GOING TO TALK A LITTLE BIT MORE ABOUT
6 GANG DATABASES, AND I'M ALSO GOING TO TALK ABOUT GANG INJUNCTIONS
7 AND MAKE SOME REFERENCES TO A REPORT THAT THE ACLU OF SOUTHERN
8 CALIFORNIA RELEASED JUST YESTERDAY, CONCERNING GANG INJUNCTIONS,
9 WHICH I BELIEVE WILL, SOMEWHAT, COUNTERACT WHAT MR. CONLEY HAS
10 SAID ABOUT THEM.

11 FIRST OF ALL, LET ME ASSURE YOU THAT THE ACLU
12 DOES NOT OPPOSE, IN PRINCIPLE, THE EXISTENCE OF DATABASES TO
13 TRACK CRIMINAL SUSPECTS, INCLUDING GANG MEMBERS. LET ME SAY THAT
14 AGAIN: WE ARE NOT OPPOSED TO GANG DATABASES. WHAT WE ARE
15 OPPOSED TO IS THE SORT OF GARBAGE IN, GARBAGE OUT
16 NON-STANDARDIZED, UNAUDITED, SUBJECT-TO-NO-OVERSIGHT SYSTEM THAT
17 HAS COME -- EVOLVED -- OR HAS COME TO BE THROUGH A GRADUAL
18 EVOLUTION IN THIS STATE, PIECE MEAL, OVER THE LAST FIVE YEARS.

19 WE'RE ASSURED THAT THERE ARE, EVEN TODAY AS WE
20 SIT HERE, NO STATEWIDE STANDARDS FOR INCLUSION OR EXCLUSION OF
21 INDIVIDUALS FROM GANG DATABASES IN CALIFORNIA. WE ARE TOLD, AS
22 RECENTLY AS LAST WEEK BY THE CHAIR OF THE LAW ENFORCEMENT
23 COMMITTEE THAT RUNS THE GREAT DATABASE, THAT THERE WILL BE NO
24 SUCH STATE STANDARDS IN CALIFORNIA BEFORE THE END OF THE SUMMER
25 OF 1998, AT THE EARLIEST.

1 SO, WHAT YOU HAVE, NOW, IS A HODGEPODGE OF
2 STANDARDS FOR WHO GETS IN AND HOW, AND WHO GETS OUT OF THE
3 DATABASE AND HOW, SPREAD AROUND 200 TO 250 INDIVIDUAL LAW
4 ENFORCEMENT AGENCIES THROUGHOUT THE STATE.

5 THIS HAS THE RESULT THAT -- AND I'LL ASK YOU TO
6 IMAGINE FOR A MOMENT THAT EACH OF YOU AT THE TABLE HERE IS -- HAS
7 IN YOUR HOUSEHOLD A YOUNG ADULT MALE LATINO CHILD -- EVEN THOUGH
8 THE ONLY PERSON I KNOW IS IN THAT POSITION IS THE CHAIR -- AND
9 THIS YOUNG ADULT CHILD OF YOURS IS SEEN BY A POLICE OFFICER
10 TALKING, RIDING IN A CAR WITH A GANG MEMBER. HE EFFECTS A METHOD
11 OF DRESS THAT POLICE OFFICERS THINK IS SIMILAR TO THE WAY SOME
12 GANG MEMBERS DRESS, AND HE IS SEEN WALKING UP TO A GROUP OF GANG
13 MEMBERS WHO ARE SMOKING A JOINT; AND ONE OF THE GANG MEMBERS
14 HANDS HIM THAT MARIJUANA CIGARETTE, AND HE TAKES ONE HIT OFF OF
15 IT.

16 THERE IS A POLICE DEPARTMENT IN THIS STATE
17 RIGHT NOW, THIS MINUTE, THAT WOULD ENTER YOUR CHILD INTO A
18 DATABASE AS A GANG SYMPATHIZER BASED ON THOSE THREE CRITERIA:
19 THE WAY HE DRESSES, WHO HE WAS SEEN TALKING TO, AND HE TOOK ONE
20 HIT OFF OF A JOINT HANDED TO HIM BY SOMEONE THOUGHT TO BE A GANG
21 MEMBER. IF YOU ADDED THE FACTOR THAT HE EFFECTS -- OR THAT HE
22 WAS SEEN IN A GROUP PHOTO AT HIS PROM WITH OTHERS WHO WERE
23 IDENTIFIED AS GANG MEMBERS WHO ALSO ATTENDED THE PROM, HE WOULD
24 BE, IN THAT DATABASE, A GANG ASSOCIATE.

25 AND I WOULD SUGGEST TO YOU THAT ONE OF THE

1 PROBLEMS HERE IS THAT UP TO NOW, THERE ARE NO STATE STANDARDS FOR
2 HOW YOU GET INTO THIS DATABASE AND HOW YOU GET OUT OF IT. THERE
3 ARE NO AUDITING AND OVERSIGHT STANDARDS. THERE IS NO ONE OUT
4 THERE EXAMINING AND SCRUTINIZING CLOSELY HOW EACH INDIVIDUAL
5 DEPARTMENT'S DATABASE IS BEING OPERATED. RIGHT NOW, WE HAVE 250
6 POTENTIALLY ROGUE ELEPHANTS IN THIS STATE, AND NO ONE IS TRYING
7 TO CORRAL THE ELEPHANTS.

8 FINALLY, THERE IS NO CIVILIAN OR ANY OTHER KIND
9 OF OVERSIGHT OF THE OPERATIONS OF THESE DATABASES SOON TO
10 BE -- SOON TO TRANSITION FROM THE DATABASE -- OR GREAT IS
11 ACTUALLY NOT ONE DATABASE. GREAT IS, IN ESSENCE, A NETWORK OF
12 DOZENS OR HUNDREDS OF LITTLE DATABASES.

13 THE FINAL POINT I WOULD MAKE ABOUT GREAT AND
14 DATABASES IS THAT THEY HAVE EVOLVED IN A VERY CURIOUS AND UNIQUE
15 WAY IN THIS STATE, LARGELY ASSISTED BY THE EXISTENCE OF A PRIVATE
16 ENTITY, THE LAW ENFORCEMENT COMMUNICATION NETWORK. AND I THINK
17 THAT IN OUR CORRESPONDENCE WITH THE COMMISSION THAT PRECEDED THIS
18 MEETING, WE HAVE RAISED SOME QUESTIONS ABOUT WHETHER THIS IS THE
19 MOST LOGICAL AND APPROPRIATE WAY FOR HIGHLY SENSITIVE PUBLIC LAW
20 ENFORCEMENT BUSINESS TO BE DONE UNDER THE AEGIS, ESPECIALLY IN
21 THE ORGANIZATIONAL PHASES OF GREAT, OF IN ESSENCE A PRIVATE
22 COMPANY THAT IS ACCOUNTABLE TO NO ONE.

23 I'LL QUICKLY TRANSITION TO GANG INJUNCTIONS. I
24 WAS CURIOUS TO HEAR THE DEPUTY DISTRICT ATTORNEY SAY THAT THE
25 WESTMINSTER GANG INJUNCTION CASE, WHICH WAS OUT OF OUR OFFICE,

1 HAD BEEN MOOTED OUT BY THE ACUNA RULING BY THE CALIFORNIA SUPREME
2 COURT. THAT'S NOT QUITE THE CASE. WE WERE IN THE COURT OF
3 APPEAL AT THE TIME THE ACUNA CASE CAME DOWN FROM THE SUPREME
4 COURT. IT WAS OUR VIEW THAT THE FACTS IN THE WESTMINSTER
5 CHALLENGE TO THE GANG INJUNCTION THERE WERE DIFFERENT ENOUGH FROM
6 THE CASE DECIDED IN ACUNA THAT WE WOULD PROCEED WITH THAT APPEAL
7 REGARDLESS OF ACUNA.

8 IN THE APPEALS COURT, THE ORANGE COUNTY
9 DISTRICT ATTORNEY'S OFFICE MOVED TO DISMISS ITS OWN APPEAL.
10 THAT'S THEIR PREROGATIVE, BUT IT'S NOT EXACTLY AS IF THE ACUNA
11 CASE BLEW THE WESTMINSTER CASE OUT OF THE WATER.

12 I READ THE SAME PORTION OF THE ACUNA DECISION
13 THAT MR. CONLEY READ. IT'S IN THE REPORT THAT WE'VE HANDED TO
14 YOU THIS MORNING; AND IT IS TRUE THAT THERE SOMETIMES HAS TO BE A
15 BALANCE STRUCK BETWEEN CIVIL LIBERTIES AND CIVIL RIGHTS AND THE
16 NEED TO ASSURE PUBLIC SAFETY; AND THE ACLU DOESN'T NOW AND NEVER
17 HAS CHALLENGED THE ASSERTION THAT THAT IS SOMETIMES TRUE.

18 FOR EXAMPLE, WE DO NOT SAY THAT YOU CAN -- YOU
19 HAVE AN ULTIMATE AND COMPLETE FIRST-AMENDMENT RIGHT TO MAKE
20 VERBAL PHYSICAL THREATS. YOU DON'T. NOR DO YOU HAVE AN ULTIMATE
21 FIRST-AMENDMENT FREE-EXPRESSION RIGHT TO ENGAGE IN VERBAL SEXUAL
22 HARASSMENT. YOU DO NOT HAVE THAT RIGHT. BUT WHAT WE DO SAY IS
23 THAT WHEN YOU ABROGATE THOSE RIGHTS, YOU HAVE TO DO SO UNDER
24 CIRCUMSTANCES WHERE THERE IS A COUNTERVAILING NEED AND POTENTIAL
25 BENEFIT.

1 AND OUR REPORT RELEASED YESTERDAY EXAMINES A
2 GANG INJUNCTION THAT REMAINS TODAY PROBABLY THE BEST KNOWN IN
3 CALIFORNIA. IT WAS ISSUED IN THE BLYTHE STREET NEIGHBORHOOD OF
4 THE SAN FERNANDO VALLEY IN 1993. SORRY FOR NOT HAVING THIS SO
5 THE AUDIENCE CAN SEE IT.

6 MR. CREW: I'LL HOLD IT UP.

7 MR. PARACHINI: BUT THIS IS A MAP OF THE PANORAMA CITY,
8 CALIFORNIA AREA IN THE SAN FERNANDO VALLEY. BLYTHE STREET, THE
9 FAMED AREA THAT WAS OVERRUN BY GANGS, IS RIGHT HERE IN THE MIDDLE
10 OF LOS ANGELES POLICE DEPARTMENT REPORTING DISTRICT 925. THESE
11 NUMBERS ARE OTHER -- 18 OTHER LOS ANGELES POLICE DEPARTMENT
12 REPORTING DISTRICTS THAT SURROUND BLYTHE STREET. WHAT WE DECIDED
13 TO EXAMINE IS WHAT HAPPENED TO VIOLENT CRIME, CALLS FOR POLICE
14 SERVICE, AND FELONY DRUG ARRESTS IN THIS AREA, STARTING WITH
15 BLYTHE STREET ITSELF AND EXPANDING THROUGHOUT PANORAMA CITY.

16 THIS IS NOT A SET OF STANDARDS CONJURED UP BY
17 SOME WACKOS AT THE ACLU. THOSE ARE CRITERIA THAT WE TOOK
18 DIRECTLY FROM ADMINISTRATIVE REPORTING STANDARDS DEvised BY THE
19 L.A.P.D. FOR ASSESSMENTS ON THE DIVISION BASIS THROUGHOUT THE
20 DEPARTMENT OF WHAT WAS HAPPENING IN TERMS OF VIOLENT CRIME IN
21 1993; AND WHAT DID WE FIND? YES, THERE WAS CERTAINLY A THREAT TO
22 PEOPLE POSED BY THE BLYTHE STREET GANG, PARTICULARLY HERE IN
23 REPORTING DISTRICT 925. THERE IS NO DOUBT, WHATSOEVER, ABOUT
24 THAT. PEOPLE WERE BEING HELD PRISONER IN THEIR HOMES. GANGS DO
25 NOT HAVE A CONSTITUTIONAL RIGHT TO DO THAT.

1 WHAT DO YOU THINK HAPPENED TO CRIME IN THE
2 BLYTHE STREET NEIGHBORHOOD AFTER THAT INJUNCTION WAS ISSUED?
3 HERE IT IS. IT JUMPED UP. HERE'S WHERE THE INJUNCTION WAS FILED
4 FOR; FEBRUARY, 1993. HERE'S WHERE IT WAS GRANTED; APRIL, 1993.
5 LOOK AT VIOLENT CRIME. "VIOLENT CRIME," I MEAN HOMICIDE, RAPE,
6 ROBBERY, AND AGGRAVATED ASSAULT. IT JUMPS UP. YES, IT WENT UP A
7 LITTLE BIT IN THAT PERIOD IN THE CITY OF LOS ANGELES. THIS
8 INCREASE IS ASTRONOMICALLY HIGHER THAN WHAT THE CITY EXPERIENCED
9 AS A WHOLE.

10 THEN, WE LOOKED AT FOUR REPORTING DISTRICTS
11 THAT COMPRISE A NEIGHBORHOOD JUST NORTH OF BLYTHE STREET. FOR
12 THOSE OF YOU WHO MAY HAVE BEEN FOLLOWING A LOS ANGELES TIMES
13 SERIES ON GANGS THAT RAN THIS WEEK, IT IS SET IN THE AREA THAT WE
14 LOOKED AT NEXT. IT'S AN AREA THAT RUNS FROM THE SAN DIEGO
15 FREEWAY, INTERSTATE 405, TO A COUPLE OF BLOCKS EAST OF VAN NUYS
16 BOULEVARD. RIGHT HERE, TO RIGHT HERE. IT RUNS FROM ROSCOE
17 BOULEVARD TO NORDHOFF; AND WHAT WE FOUND IN WHAT WE NOW CALL "THE
18 ROSCOE BOULEVARD STRIP," THIS IS CRIME. THIS IS WHAT HAPPENED IN
19 THOSE FOUR REPORTING DISTRICTS RIGHT NEXT DOOR TO BLYTHE STREET.
20 THAT CRIME -- THAT VIOLENT CRIME JUMPED UP IN THE 6 TO 12 MONTHS
21 AFTER THIS INJUNCTION, EVEN MORE PRECIPITOUSLY THAN IN THE
22 NEIGHBORHOOD THE INJUNCTION COVERED ITSELF.

23 FINALLY, WE LOOKED AT THE ENTIRE PANORAMA CITY
24 AREA, 19 REPORTING DISTRICTS. WE SELECTED THOSE BASED ON TWO
25 CRITERIA: FIRST OF ALL, THEY ARE IDENTIFIED BY THE L.A.P.D. AS

1 REPORTING DISTRICTS WITH SIGNIFICANT VIOLENT CRIME PROBLEMS.

2 NO. 2, THEY WERE EITHER RIGHT ON BORDERING BLYTHE STREET OR SO

3 CLOSE THAT THEY WERE A STONE'S THROW AWAY. VIOLENT CRIME IN

4 THOSE 19 DISTRICTS COMPRISING PANORAMA CITY JUMPS UP IN THE

5 MONTHS AFTER THE INJUNCTION.

6 THIS INJUNCTION DIDN'T FIX ANYTHING. THIS
7 INJUNCTION WAS SOLD TO THE PEOPLE OF LOS ANGELES COUNTY ON THE

8 GROUNDS THAT IT WOULD CAUSE VIOLENT CRIME TO DROP THROUGH THE
9 FLOOR. ON THE CONTRARY, VIOLENT CRIME WENT THROUGH THE ROOF.

10 SO, I WOULD SUGGEST TO YOU THAT WHAT WE HAVE DISCOVERED IS AN
11 ANOMALOUS, AND I WOULD SAY -- I WOULD HAVE TO ADMIT, ILLOGICAL

12 SITUATION. I WOULD HAVE EXPECTED, PARTICULARLY IN THE BLYTHE

13 STREET NEIGHBORHOOD ITSELF -- IN FACT, WHEN WE STARTED THIS STUDY

14 I BET ONE OF MY INTERNS FIVE DOLLARS THAT WE WOULD FIND THAT THE

15 BLYTHE STREET REPORTING DISTRICT SHOWED, IF ANYWHERE, A

16 DOWN-TREND IN VIOLENT CRIME. I LOST THAT BET, AND I PAID HIM OFF

17 LAST WEEK. WE DIDN'T EVEN FIND THAT LOGIC PREVAILS. WE THOUGHT

18 THERE MIGHT BE SOME EVIDENCE THAT CRIME WOULD MOVE OUT OF AN AREA

19 THAT WAS THE FOCUS OF ENORMOUS LAW-ENFORCEMENT ATTENTION, AND

20 MOVE INTO ANOTHER NEIGHBORHOOD. THAT CLEARLY HAPPENED IN THE

21 ROSCOE BOULEVARD STRIP; BUT THROUGHOUT THE REGION -- THROUGHOUT

22 THE ENTIRE PANORAMA CITY AREA THAT WAS SUPPOSED TO BENEFIT FROM

23 THIS INJUNCTION, IT WAS SUPPOSED TO BE SAVED BY THIS INJUNCTION,

24 VIOLENT CRIME WENT UP.

25 I'LL CONCLUDE BY SAYING THAT ANYONE WHO SAYS

1 THAT GANG INJUNCTIONS ARE A CURE FOR THE PLAGUE AND THE SCOURGE
2 OF GANG VIOLENCE IN OUR SOCIETY OUGHT TO BE CHARGED WITH
3 PRACTICING QUACK MEDICINE. THANK YOU.

4 MR. TOMA: MY NAME IS ROBIN TOMA, AND I'M WITH THE L.A.
5 COUNTY HUMAN RELATIONS COMMISSION; BUT CLEARLY I'M OUT OF MY
6 JURISDICTION. AND THE REASON WHY IS BECAUSE I'M HERE TODAY TO
7 TALK TO YOU IN THE CAPACITY OF A FORMER ACLU STAFF ATTORNEY,
8 SOUTHERN CALIFORNIA, IN WHICH I BROUGHT A LAWSUIT ON BEHALF OF
9 VIETNAMESE AMERICAN GIRLS WHO WERE DETAINED AND PHOTOGRAPHED BY
10 THE GARDEN GROVE POLICE DEPARTMENT.

11 THAT LAWSUIT WAS SETTLED IN 1995, BUT I THOUGHT
12 IT WOULD BE USEFUL TO TAKE ALL OF THE TALK THAT WE'VE HEARD, IN
13 TERMS OF THE THEORIES AND THE GENERALIZATIONS ABOUT WHAT GOES ON,
14 TO A VERY SPECIFIC INCIDENT, AND TO SEE HOW IT ACTUALLY PLAYED
15 OUT.

16 WHAT HAPPENED IN THE SUMMER OF 1993, WAS THAT A
17 COUPLE OF HONOR STUDENTS -- 14-YEAR-OLD HONOR STUDENTS WERE AT A
18 MALL IN GARDEN GROVE WAITING FOR -- THEY HAD BEEN TO A KARAOKE
19 CAFE, WHERE THEY DECIDED THAT THE CROWD WAS TOO OLD FOR THEM, AND
20 THEY WANTED TO FIND -- DO SOMETHING ELSE. SO, THEY WENT TO THE
21 PHONE, AND THEY WERE WAITING FOR A FRIEND AT THE PHONE IN THIS
22 MINI MALL. IT WAS ABOUT 7:00 O'CLOCK IN THE EVENING, WAY BEFORE
23 ANY CURFEW; AND IT WAS STILL LIGHT OUTSIDE, WHEN THEY WERE
24 APPROACHED BY A COUPLE OF OFFICERS. IT TURNED OUT THAT THESE
25 WERE GANG UNIT OFFICERS WHO BEGAN TO INTERROGATE THEM ABOUT HOW

1 THEY -- WHAT WERE THEY DOING; WERE THEY THERE TO GET INTO
2 TROUBLE; WERE THEY GANG MEMBERS. THEY DENIED ALL OF THIS; BUT
3 YET, THE OFFICER, USING THE DUCK STANDARD -- THAT IS, IF YOU LOOK
4 LIKE A DUCK, YOU WALK LIKE A DUCK, YOU MUST BE A DUCK -- TOLD
5 THEM THAT THEY MUST BE GANG MEMBERS BECAUSE THEY WERE WEARING
6 BAGGY PANTS AND TIGHT-FITTINGS BLOUSES, AND THEY WERE YOUNG AND
7 ASIAN, AND THEY WERE HANGING OUT IN A MINI MALL. APPARENTLY,
8 THAT'S ONE OF THE PLACES THAT POLICE DEPARTMENT VIEWS AS A
9 HANGOUT FOR GANG MEMBERS; BUT FOR MANY OF THE PEOPLE THAT WERE
10 THERE, THEY HAD NO IDEA THAT'S HOW THEY WERE BEING VIEWED.

11 WELL, IT ENDED UP THAT THEY WERE THERE FOR
12 ABOUT AN HOUR, SAT DOWN, QUESTIONED ABOUT ALL SORTS OF PERSONAL
13 INFORMATION, REPEATEDLY TOLD THAT THEY WERE GOING TO BE GETTING
14 IN TROUBLE; AND IN THE END, THEY WERE PHOTOGRAPHED, AND THEY WERE
15 LET GO.

16 DURING NO TIME WERE THEY TOLD ABOUT ANY CRIME
17 THAT THEY MIGHT HAVE BEEN SUSPECTED OF BEING INVOLVED IN; AT NO
18 TIME WERE THEY TOLD WHAT WAS GOING TO HAPPEN TO THEIR PHOTOGRAPH
19 AND WHY IT HAD TO BE TAKEN.

20 THE REASON WHY THIS LAWSUIT CAME ABOUT WAS
21 BECAUSE THE PARENTS, WHEN THEY LEARNED OF WHAT HAPPENED, WERE
22 OUTRAGED. THEY WERE PEOPLE WHO HAD HAD SOME EXPERIENCE IN
23 LEARNING ABOUT THE RIGHTS THAT AMERICANS HAVE IN TERMS OF BEING
24 TREATED BY THE POLICE, AND THEY DECIDED THEY WEREN'T GOING TO
25 ALLOW THEIR CHILDREN -- THEY MAY HAVE BEEN VICTIMS OF

1 DISCRIMINATION, BUT THEY WEREN'T GOING TO ALLOW THEIR CHILDREN'S
2 FUTURE TO BE JEOPARDIZED BY THIS ACTION. AND SO, THEY INSISTED
3 IN BRINGING A LAWSUIT, AND THAT'S HOW THIS CAME ABOUT.

4 THE FIRST THING, OF COURSE, WE DID FILE A CLAIM
5 WITH THE GARDEN GROVE CITY GOVERNMENT, AND THAT WAS ROUTINELY
6 DENIED; BUT WHEN WE PRESENTED THE LAWSUIT, WE BEGAN THE DISCOVERY
7 OF WHAT THE PRACTICES ACTUALLY WERE, WE FOUND THAT IN DEED THIS
8 WAS NOT AN EXCEPTION. I THINK THE ONLY THING THAT WAS
9 EXCEPTIONAL WAS THE FACT THAT THERE WERE PARENTS WHO FELT
10 STRONGLY ENOUGH TO BRING A LAWSUIT AND TO EXPOSE THEMSELVES TO
11 THE KIND OF PUBLIC ATTENTION AND THE RIGORS OF LITIGATION. WHAT
12 WE FOUND WERE THOUSANDS OF PEOPLE, LIKE THESE TWO YOUNG WOMEN,
13 WHO ENDED UP BEING CATEGORIZED AS GANG MEMBERS OR GANG
14 ASSOCIATES; WERE NOT EVEN EITHER OF THE TWO, BUT YET WERE
15 PHOTOGRAPHED.

16 THE PROBLEM OF THIS ENTIRE PRACTICE REALLY
17 SEEMED TO FOCUS ON THE OVERRIDING PRIORITY THAT THE GANG UNIT HAD
18 TO BUILD THEIR GANG FILES, TO BE ABLE TO NET AS MANY INDIVIDUALS
19 WHO COULD BE THOUGHT OF AS GANG MEMBERS OR ASSOCIATES. AND ONCE
20 AGAIN, THERE WAS A CRITERIA THAT WAS IN EFFECT FOR MUCH OF THE
21 TIME PRIOR TO THAT FOR SIMPLY BY BEING AN ASSOCIATE. BY BEING A
22 FRIEND OF A GANG MEMBER COULD QUALIFY YOU AS A GANG ASSOCIATE.
23 AND OF COURSE, DURING THE COURSE -- DURING THIS INVESTIGATION,
24 THEY FORCED THEM TO TAKE OUT THEIR WALLETS; THEY LOOKED THROUGH
25 THEIR PICTURES -- THEIR PERSONAL PHOTOS, READ THE BACKS OF THEM,

1 MADE SOME WILD LEAPS OF LOGIC, IN STATING THAT IF THEY HAD
2 MONIKERS -- LIKE, SHE CALLED HERSELF "PUPPET" -- WELL, THEN SHE
3 MUST BE A GANG MEMBER. SO, IF YOU'VE EVER CALLED YOURSELF
4 ANYTHING BUT YOUR REAL NAME, THAT'S ONE NOTCH THERE IN THE GANG
5 CRITERIA LIST.

6 AND THEN FURTHERMORE, IF THEY RECOGNIZED
7 ANYONE -- THEY THOUGHT THEY RECOGNIZED ANYONE IN THAT SET OF
8 PHOTOGRAPHS, THAT WAS ALSO ANOTHER BASIS; BUT THIS IS NOT WHAT
9 WAS SPOKEN IN TERMS OF WHAT THEY WILL TELL YOU, WHAT THE OFFICERS
10 TOLD US IN DEPOSITION; BUT YET, IT IS CERTAINLY WHAT THE PRACTICE
11 WAS.

12 AND I THINK THAT, AS A RESULT OF THE
13 LITIGATION, WE EVENTUALLY CAME TO A SETTLEMENT, AND I THINK
14 THAT -- I DON'T KNOW IF YOU HAVE THE TERMS OF THE SETTLEMENT, AND
15 I'M GOING TO SUBMIT THE ENTIRE SETTLEMENT AGREEMENT TO YOU
16 BECAUSE I THINK THAT IT'S VERY COMPREHENSIVE AND MUCH MORE THAN I
17 CAN SAY IN THIS TIME PERIOD. BUT I DO WANT TO POINT OUT THAT THE
18 BASIC TERMS OF THE SETTLEMENT COME OUT OF THE VERY PROBLEMS THAT
19 WE IDENTIFIED IN THE COURSE OF THIS LITIGATION.

20 FIRST OF ALL, IT MAKES VERY CLEAR THAT IN ORDER
21 FOR PEOPLE TO BE PHOTOGRAPHED, THEY HAVE TO GIVE THEIR CONSENT IN
22 WRITING. IN OTHER WORDS, WHAT HAPPENED SO OFTEN IS THAT PEOPLE
23 WERE PHOTOGRAPHED; AND WHEN THE POLICE WERE CHALLENGED, THEY
24 WOULD SAY, "WELL, THEY CONSENTED," BUT WITHOUT ANY PROOF OF THAT,
25 OTHER THAN THEIR WORD AGAINST THE YOUNG PERSON. SO, WE INSISTED

1 THAT IT BE IN WRITING AND THAT IT SERVE A LEGITIMATE
2 LAW-ENFORCEMENT PURPOSE. THAT MEANS THAT BECAUSE YOU BELIEVE
3 THAT THEY'RE A MEMBER OF A GANG IS NOT SUFFICIENT TO SIMPLY
4 CONCLUDE THAT THEY ARE, THEREFORE, INVOLVED IN CRIMINAL ACTIVITY
5 AND, THEREFORE, A PHOTO IS NECESSARY.

6 ALSO, WE MADE IT PART OF THE SETTLEMENT THAT
7 SIMPLY KNOWLEDGE OR SUSPICION OF GANG MEMBERSHIP OR AFFILIATION,
8 WITHOUT ANY MORE INFORMATION, IS INSUFFICIENT TO STOP A
9 PERSON -- TO STOP A YOUNG PERSON OR CERTAINLY TO PHOTOGRAPH THEM.
10 ONCE AGAIN, THERE HAS TO BE A CLEAR INDICATION THAT THERE WAS
11 CRIMINAL CONDUCT SUSPECTED -- REASONABLY SUSPECTED; AND WE SAID
12 IF YOU DON'T FIND IT -- SAY, IF YOUR SUSPICION IS BASED ON A
13 TAILLIGHT THAT IS BROKEN OR ON THE FACT THAT THEY LOOK LIKE
14 SOMEONE WHO WAS REPORTED IN A CAR THEFT, THAT THAT'S NOT GOING TO
15 BE ENOUGH, IF BY THE TIME THAT THEY INTERVIEW THAT PERSON IN THE
16 DETENTION, THEY FIND OUT THAT THAT REASONABLE SUSPICION IS NOT
17 JUSTIFIED, THEY HAVE TO DESIST FROM TAKING A PHOTOGRAPH.

18 BUT A LARGER PROBLEM, EVEN MORE THAN THE
19 PHOTOGRAPHS, TURNED OUT TO BE FIELD INTERVIEW CARDS. WHAT'S
20 CALLED A "FIELD INTERVIEW" IS SIMPLY A DETENTION, WHERE THEY'RE
21 STOPPED; THEY'RE HELD THERE; AND THEY'RE ASKED A SERIES OF
22 QUESTIONS. AND A CARD IS THEN FILLED OUT, WHICH IS THEN ENTERED
23 INTO THE COMPUTER DATABASE. AND IT TURNED OUT THAT -- THAT
24 BECAUSE OF WHETHER OR NOT A CAMERA WAS AVAILABLE OFTEN DICTATED
25 THE PHOTOGRAPHING, THE FIELD INTERVIEW CARD WAS THE MOST COMMONLY

1 USED PRACTICE FOR BUILDING A MASSIVE DATABASE IN GARDEN GROVE.
2 AND WHAT WE FOUND IS THAT THERE WAS SUCH SCANT FACTS ON THAT
3 CARD, IT WAS HARD TO KNOW HOW THEY DETERMINED A PERSON WAS A GANG
4 MEMBER. IN THIS CASE, WE KNOW THAT MIN TRAN AND QUEENIE PHAM,
5 [PHONETIC], VEHEMENTLY DENIED, REPEATEDLY, OVER AND OVER, THAT
6 THEY WERE A GANG MEMBER, YET THEY ENDED UP BEING PHOTOGRAPHED.

7 IN THE SETTLEMENT, WE MAKE IT VERY CLEAR THAT
8 THE OFFICERS HAVE TO ACTUALLY WRITE IN THEIR FIELD INTERVIEW CARD
9 THE REASONS, THE FACTS THAT GIVE RISE TO THIS REASONABLE
10 SUSPICION OF GANG ACTIVITY; AND THAT HAS TO BE REVIEWED BY A
11 SUPERVISOR.

12 AND FINALLY WE -- I'M LEAVING OUT A LOT OF
13 SETTLEMENT TERMS; BUT TO SET A FOCUS ON THE MAJOR ONES, WE ALSO
14 SET UP A PROCESS WHERE INDIVIDUALS CAN THEN GO TO THE POLICE, IF
15 THEY FEEL THEY'VE BEEN PHOTOGRAPHED UNJUSTLY, AND CHALLENGE IT
16 THROUGH BEING -- GOING BEFORE A THREE-MEMBER PANEL OF CIVILIANS
17 AND RAISING THE QUESTIONS AS TO WHY THEIR PHOTOGRAPH WAS TAKEN.

18 NOW, I HAVE TO SAY THAT NONE OF THIS WAS
19 INCREDIBLY INNOVATIVE, BECAUSE MOST OF IT JUST CONFORMED WITH
20 EXISTING LAW. AND WHAT IT WAS -- THE PURPOSE OF MOST OF IT WAS
21 TO ENSURE THAT THE LAW -- THE LEGAL RIGHTS OF THESE YOUNG PEOPLE
22 WOULD BE RESPECTED. AND I THINK THAT, YOU KNOW, JUST TO LOOK AT
23 WHAT THE IMPACT OF THIS INCIDENT WAS, YOU KNOW, WE'RE TALKING
24 ABOUT HOW CAN POLICE BE MORE EFFECTIVE IN CONFRONTING VIOLENT
25 GANG ACTIVITY. WE HEAR, ALL THE TIME, DISCUSSION ABOUT COMMUNITY

1 POLICING AS A KEY TO THIS PROBLEM; AND YET, I CAN TELL YOU VERY
2 CLEARLY THAT THE PARENTS IN THIS CASE, AND MANY OTHER PARENTS,
3 FELT A GREAT DEAL OF ANGER AND DISTRUST COMING OUT OF THIS
4 INCIDENT. THEY KNOW THEIR CHILDREN; AND WHILE IT'S NOT ALWAYS
5 TRUE THAT PARENTS ALWAYS KNOW THEIR CHILDREN THAT WELL, WE KNOW
6 THAT IN THIS CASE, THE PARENTS KNEW THEIR CHILDREN WELL ENOUGH TO
7 REALIZE THAT THIS WAS COMPLETELY OUTRAGEOUS. AND AS A RESULT,
8 THE CHILDREN, IN FACT LOST, THEIR -- THEY HAD, PRIOR TO THIS
9 INCIDENT, VERY POSITIVE VIEWS OF POLICE OFFICERS; AND THOSE, OF
10 COURSE, HAVE BEEN CHANGED FOREVER. AND I THINK THE PARENTS, AS
11 WELL, FEEL A GREAT DEAL OF MISTRUST; AND THAT IT DOES DAMAGE FOR
12 THE ABILITY FOR POLICE TO HAVE THE COMMUNITY COOPERATE WITH THEM
13 IN EFFECTIVELY FIGHTING JUVENILE CRIME.

14 AND I WANT TO ALSO SAY THAT I THINK THAT WHAT
15 WE ASKED FOR IN THE SETTLEMENT AND WHAT WAS AGREED UPON BY THE
16 GARDEN GROVE POLICE, SOME OF IT WAS NOT -- WE HAD TO COMPROMISE.
17 SO, THERE'S SOME PARTS, SUCH AS TALKING ABOUT THE GREAT
18 STANDARDS, WHICH WE DON'T TOTALLY AGREE WITH; BUT WE FOUND IT
19 ACCEPTABLE FOR THIS GIVEN MOMENT IN TIME. BUT IF WE WERE TO
20 IMPOSE STATEWIDE STANDARDS, I THINK IT WOULD BE DIFFERENT.
21 CERTAINLY, A LOT OF THE PROTECTIONS OF DUE PROCESS: ALLOWING
22 PEOPLE TO REMOVE THEIR PHOTO FROM THE SYSTEM; ENSURING THAT
23 PEOPLE, BEFORE THEY'RE PHOTOGRAPHED, GIVE WRITTEN CONSENT,
24 KNOWING AND VOLUNTARY CONSENT; AND ENSURING THAT THERE ARE WAYS
25 TO HAVE OFFICERS IDENTIFY THE REAL FACTS UNDERLYING THEIR BASIS

1 FOR THE DETENTION ARE ALL ESSENTIAL IF WE'RE GOING TO AVOID THE
2 KIND OF WIDE SWEEP OF YOUNG PEOPLE OF COLOR THAT THE -- THESE
3 PRACTICES HAVE RESULTED IN.

4 LASTLY, I JUST WANT TO SAY THAT, YOU KNOW, AS
5 A -- SOMEONE INVOLVED IN HUMAN-RELATIONS WORK NOW, AND LOOKING AT
6 THE DEGREE OF GANG VIOLENCE, I KNOW THE TOLL THAT IT TAKES.

7 I ALSO WANT TO POINT OUT THAT LOOKING AT URBAN
8 RIOTS, THE RECENT STUDY SHOWED THAT ALMOST THE VAST MAJORITY OF
9 URBAN RIOTS OCCUR WHEN A POLICE INCIDENT OCCURS THAT IS VIEWED AS
10 UNJUST -- THE OUTCOME OF THAT POLICE CONFLICT WITH THE COMMUNITY
11 MEMBER IS VIEWED AS FUNDAMENTALLY REFLECTING INJUSTICE OF THE
12 SYSTEM; AND THAT IS PRECISELY WHY I THINK THAT IT'S SO IMPORTANT
13 THAT COMMUNITIES AND POLICE AGENCIES HAVE TO LOOK FOR WAYS OF
14 FIGHTING CRIME THAT AREN'T GOING TO MISS -- DISREGARD THE
15 FUNDAMENTAL RIGHTS OF THE MEMBERS OF THE COMMUNITY.

16 SO, WITH THAT, I'LL SUBMIT THIS FOR THE
17 TESTIMONY AND BE AVAILABLE FOR QUESTIONS LATER.

18 MS. VERASTEGUI: GOOD MORNING. MY NAME IS
19 YVETTE VERASTEGUI, AND I'M WITH THE ORANGE COUNTY PUBLIC
20 DEFENDER'S OFFICE.

21 I WANTED TO BEGIN MY DISCUSSION BY STATING THAT
22 I UNDERSTAND, AS WELL AS EVERYBODY HERE UNDERSTANDS, THAT GANGS
23 ARE A PROBLEM. I'M NOT HERE TO SAY THAT THEY'RE NOT. IN
24 ADDITION TO THAT, I'M ALSO HERE TO STATE THAT NOT ALL POLICE
25 OFFICERS ARE THE ENEMY. I ALSO KNOW THAT THEY'RE NOT.

1 GIVEN THAT, I'D LIKE TO MOVE ON. BEING A
2 MEMBER OF A GANG OR A CLICK OR A GROUP IS NOT A CRIME. IT ONLY
3 BECOMES A CRIME IF, IN FACT, IT FALLS WITHIN PENAL CODE 186.22,
4 DEFINING A CRIMINAL STREET GANG AS SOMEONE WHO ACTIVELY
5 PARTICIPATES IN A CRIMINAL STREET GANG, SOMEONE WHO HAS KNOWLEDGE
6 OF A PATTERN OF CRIMINAL STREET ACTIVITY, AND SOMEBODY WHO
7 WILLFULLY PROMOTES THE GANG THROUGH SOME SORT OF FELONIOUS
8 CONDUCT. THOSE ARE THE CRITERIA FOR MAKING A PERSON, BASICALLY,
9 A CRIMINAL STREET GANG MEMBER.

10 I WANTED TO BEGIN AT THE VERY BEGINNING.
11 NORMALLY, I COME -- I BECOME INVOLVED AFTER A CASE OR FILES HAVE
12 BEEN -- CHARGES HAVE BEEN FILED; BUT I WANTED TO BEGIN WHERE
13 POLICE FIRST ENCOUNTER, AND I THINK THAT THE BEST EXAMPLE IN THIS
14 WOULD BE THE RODRIGUEZ CASE, WHICH WAS OUT OF ORANGE COUNTY.

15 I JUST WANTED TO GIVE THE EXACT SITUATION OF
16 THAT: THERE ARE TWO POLICE THAT WERE ASSIGNED TO THE GANG UNIT.
17 THEY HAD THEIR GANG, BASICALLY, GEAR ON. IT HAS "GANG UNIT" ON
18 THE BACK OF THE JACKET. WHAT THEY SAW IS FOUR LATINOS
19 SOCIALIZING, BASICALLY, IN THEIR NEIGHBORHOOD AT THEIR HOUSE.
20 THERE WAS NO CRIMINAL ACTIVITY THAT WAS SUSPECTED. NOTHING ELSE
21 WAS GOING ON, BUT THE MERE FACT THAT THESE FOUR INDIVIDUALS WERE
22 TALKING AND CONVERSING AMONGST THEMSELVES.

23 THE POLICE APPROACHED THESE FOUR INDIVIDUALS
24 WITH A PURPOSE OF OBTAINING THEIR INFORMATION, TAKING THEIR
25 PHOTOGRAPHS, INQUIRING AS TO THEIR GANG AFFILIATION, AND WRITING

1 ALL OF THAT DOWN ON FIELD INTERVIEW CARDS, WHICH WOULD LATER THEN
2 BE PUT INTO A GANG BOOK.

3 THE POLICE ORDERED THE FOUR INDIVIDUALS TO
4 "STAY THERE." THEY, THEN, PATTED THEM DOWN FOR ANY SORT OF
5 WEAPONS. THEY HAD THEM SIT ON THE CURB, AS THEY INTERVIEWED EACH
6 ONE INDIVIDUALLY. THEY OBTAINED THE FOLLOWING INFORMATION:
7 THEIR NAME, THEIR DATE OF BIRTH, THEIR SOCIAL SECURITY NUMBER,
8 THEIR ADDRESS, THEIR GANG AFFILIATION IF THEY HAD ANY, A MONIKER,
9 A NICKNAME, AND THEIR ASSOCIATES. ANYBODY THAT THEY HUNG AROUND
10 WITH. THEY COMPILED ALL OF THAT INFORMATION AND WAS ABLE -- AND
11 WERE ABLE TO PUT THAT IN THEIR GANG BOOK.

12 THIS EXAMPLE OUT OF THE RODRIGUEZ CASE,
13 BASICALLY, CONTINUES TO HAPPEN. AND IN MY PRACTICE, I'VE SPOKEN
14 TO A LOT OF YOUNG LATINOS, AFRICAN-AMERICANS, AND VIETNAMESE
15 CLIENTS WHO INDICATE THAT THIS IS AN ONGOING EVENT. WHAT THE
16 POLICE WERE LOOKING FOR IN THE RODRIGUEZ CASE -- AND I THINK ON A
17 DAILY BASIS -- ARE FACTORS WHICH DETERMINE WHETHER SOMEBODY IS OR
18 ISN'T A GANG MEMBER.

19 THE MAIN FACTOR THAT THEY LOOK AT IS RACE, AND
20 THAT'S PROVEN BY THE STATISTICS IN THE GREAT DATABASE -- IN THE
21 GREAT -- ANYWAY, THEY LOOK AT RACE. AND SPECIFICALLY, EACH
22 POLICE DEPARTMENT WILL DEAL WITH THE RACE DIFFERENTLY. SAY, FOR
23 INSTANCE, LATINOS. THEY WILL TARGET THEM IN PARKS, AND THEY WILL
24 ALSO TARGET THEM AT THEIR -- IN THEIR NEIGHBORHOODS BECAUSE
25 THAT'S WHERE THEY BELIEVE THAT THEY CONGREGATE. ASIANS, THEY

1 TARGET THEM IN COFFEEHOUSES; AND AFRICAN-AMERICANS, THEY TARGET
2 THEM, BASICALLY, WHEN THEY SEE THEM IN ORANGE COUNTY, BECAUSE WE
3 HAVE VERY FEW.

4 IN ADDITION TO RACE, THEY ALSO LOOK AT
5 RESIDENCE. IF YOU LOOK AT ORANGE COUNTY, WE DO HAVE A BIG GANG
6 PROBLEM, SPECIFICALLY SANTA ANA. SANTA ANA IS A SMALL CITY; BUT
7 WITHIN THAT CITY, WE HAVE NUMEROUS GANGS ALL DIVIDED UP. YOU CAN
8 GO FROM ONE BLOCK TO ANOTHER AND BE IN A DIFFERENT TERRITORY.
9 SO, BASED BY THE MERE FACT THAT SOMEBODY'S IN A PARTICULAR AREA
10 IN SANTA ANA, THE POLICE WILL THEN USE THAT INFORMATION TO THEN
11 SAY, WELL, THIS PERSON OBVIOUSLY ASSOCIATES WITH THE GANG
12 MEMBERS, OBVIOUSLY KNOWS GANG MEMBERS, ET CETERA.

13 IN ADDITION TO THAT, WE HAVE CLOTHING AND
14 APPEARANCE. I UNDERSTAND THAT WE'RE FOCUSSING ON ORANGE COUNTY;
15 BUT MY RESEARCH EXPANDS NOT ONLY TO ORANGE COUNTY, BUT TO ALL OF
16 THE STATE OF CALIFORNIA.

17 AND WITH THAT, I WOULD LIKE TO, BASICALLY,
18 DESCRIBE WHAT CONTRA COSTA'S MANUAL SAID IN THEIR DESCRIPTION OF
19 BLACK GANGS AND THEIR APPEARANCE.

20 THEY DESCRIBED TWO BASIC TYPES OF GANG CLOTHES:
21 THE FIRST IS THE TYPE THAT WILL LEAD THE OBSERVER TO THE
22 CONCLUSION THAT THE INDIVIDUAL BELONGS TO A GANG, WITHOUT
23 SPECIFICALLY IDENTIFYING WHICH GANG; THE SECOND TYPE OF CLOTHING
24 SPECIFICALLY IDENTIFIES THE GANG, AND THAT CLOTHING IS BAGGY
25 PANTS, LARGE SHIRTS.

1 IT'S ALL ENCOMPASSING. AND IF YOU GO ANYWHERE
2 IN THIS COUNTY OR IN SOUTHERN CALIFORNIA OR NORTHERN CALIFORNIA,
3 YOU WILL FIND IN PREDOMINANTLY WHITE NEIGHBORHOODS, INDIVIDUALS
4 WEARING BIG, BAGGY CLOTHING, DRESSED VERY SIMILARLY TO THOSE THAT
5 THEY PERCEIVE AS GANG MEMBERS.

6 IN ADDITION TO THAT, WE LOOK AT ASSOCIATIONS.
7 THE POLICE OFFICERS OFTEN LOOK AT ASSOCIATIONS WHEN DOING THE
8 FIELD INTERVIEW CARDS. IF ANYBODY KNOWS OR HAS A FAMILY MEMBER
9 OR LIVES IN A PARTICULAR AREA AND KNOWS A PARTICULAR PEOPLE IN A
10 GANG, THEY WILL THEN USE THAT ASSOCIATION TO, THEN, IDENTIFY
11 SOMEBODY AS AN ASSOCIATE OR POTENTIAL GANG MEMBER. ESSENTIALLY,
12 THIS WAS ALL IN THE RODRIGUEZ CASE; AND AS I INDICATED, THIS IS
13 BASICALLY WHAT HAPPENS ON A DAILY BASIS.

14 I JUST WANTED TO NOTE, IN ORANGE COUNTY, IN
15 SOUTH COURT -- THIS INVOLVES THE INJUNCTIONS AND FIELD INTERVIEW
16 CARDS -- WE HAVE HAD POLICE OFFICERS GO INTO THE TANK BEFORE WE
17 HAVE GONE TO DISCUSS THE FACTS OF THE CASE WITH OUR CLIENT, WHERE
18 A POLICE OFFICER IS DOING A FIELD INTERVIEW CARD ON THEM WHILE
19 THEY'RE IN CUSTODY OR SERVING THEM WITH AN INJUNCTION AS THEY'RE
20 THERE. THAT WAS JUST A SIDE NOTE.

21 THERE'S -- I MEAN, THERE'S NUMEROUS QUESTIONS
22 IN REGARDS TO CONSTITUTIONAL ISSUES INVOLVING THIS. FIRST OF
23 ALL, THERE'S FIRST AMENDMENT ISSUES, FREEDOM OF ASSOCIATION AND
24 FREEDOM OF EXPRESSION; AND THEN, THERE'S THE FOURTH AMENDMENT
25 ISSUES, WHEN THEY STOP, DETAIN, QUESTION, PHOTOGRAPH THESE

1 INDIVIDUALS. POLICE OFFICERS WILL CONSTANTLY SAY THAT THIS IS A
2 CONSENSUAL ENCOUNTER; BUT IF YOU TALK TO THE INDIVIDUALS, THEY
3 FEEL COERCED, AND THEY FEEL ROUSTED. THEY DON'T FEEL AS THOUGH
4 THAT THEY ARE BEING ASKED TO DO ANYTHING. THEY FEEL THEY HAVE NO
5 OTHER ALTERNATIVE AND NO OTHER CHOICE, BUT TO PROVIDE THE
6 INFORMATION THE POLICE ARE ASKING.

7 FROM A PRACTITIONER STANDPOINT, WHEN I BECOME
8 INVOLVED IS WHEN A CRIME IS CHARGED, WHEN A FILE HAS BEEN
9 FILED -- A PETITION HAS BEEN FILED IN TERMS OF JUVIE COURT. AND
10 WHAT WE'D NORMALLY DO IS WE INITIALLY, IF THERE'S A GANG
11 ENHANCEMENT ALLEGATION -- WHICH AGAIN REFERS TO PENAL CODE
12 186.22 -- WHAT WE DO IS WE TRY TO ATTACK IT ON DIFFERENT LEVELS.

13 FIRST OF ALL, WE ATTACK IT ON WHETHER OR NOT
14 THERE'S BEEN A VIOLATION OF THE PERSON'S FOURTH AMENDMENT RIGHTS
15 IN OBTAINING THIS INFORMATION. THAT INFORMATION ONLY GOES TO THE
16 GANG ENHANCEMENT. IT DOESN'T GO TO THE ACTUAL CRIME. SO, THEY
17 CAN BE CHARGED WITH A CRIME AND STILL BE CONVICTED OF A CRIME;
18 BUT IF WE WANT TO DISPROVE THAT THIS PERSON IS, IN FACT, A GANG
19 MEMBER AND SO THAT THEY WON'T GET THE ADDITIONAL ENHANCEMENT AND
20 THE ADDITIONAL PENALTIES, WE HAVE TO LOOK AT HOW THE INFORMATION
21 WAS OBTAINED. AND UNFORTUNATELY, WE ARE NOT VERY SUCCESSFUL
22 ALONG THOSE ROUTES.

23 WHAT WE NORMALLY, THEN, DO IS IN TERMS OF
24 QUESTIONING THE POLICE OFFICERS, WE QUESTION THE ACCURACY. WE
25 GET FIELD INTERVIEW CARDS THAT ARE ONE-TO-TWO-YEARS OLD. DURING

1 THAT COURSE OF TIME, THE PERSON HAS NOT HAD ANY CONTACT WITH THE
2 POLICE; AND EVEN IF THEY SELF-IDENTIFIED THEMSELVES AS ASSOCIATES
3 OR EVEN A MEMBER, WE DON'T KNOW WHAT'S GONE ON IN BETWEEN THE
4 YEAR AND THE YEAR AND A HALF WHERE THEY HAVE NOT HAD ANY SORT OF
5 POLICE CONTACT. THEY COULD HAVE DISASSOCIATED THEMSELVES FROM
6 THE GANG. THEY COULD HAVE BEEN JUMPED OUT, WHATEVER; BUT WHAT
7 THEY'RE DOING IS THEY'RE USING THIS OUTDATED INFORMATION TO,
8 THEN, PROVE-UP A GANG ENHANCEMENT ALLEGATION.

9 IN ADDITION, WE DON'T PARTICULARLY KNOW WHETHER
10 OR NOT THIS PARTICULAR CRIME WAS DONE FOR THE PURPOSE OF
11 FURTHERING THIS GANG. WE COULD HAVE ANY TYPE. SAY, FOR
12 INSTANCE, A ROBBERY. THAT PERSON COULD HAVE A DRUG PROBLEM AND
13 IS COMMITTING THIS ROBBERY NOT FOR THE PURPOSE OF BENEFITING THE
14 GANG, BUT FOR THE PURPOSES OF GETTING MONEY TO SUPPORT THEIR
15 HABIT; AND SO, THAT'S PROBLEMATIC.

16 IN TERMS OF PROVING-UP A GANG ENHANCEMENT
17 ALLEGATION, IT'S VERY EASY. WHAT THE POLICE DO IS THEY TESTIFY
18 AS EXPERTS IN THIS AREA, AND WHAT I LIKE TO REFER TO THEM AS
19 "PSEUDO-EXPERT TESTIMONY." WHAT THEY DO IS THEY COME IN, THEY
20 SAY THAT THEY'VE HAD A LOT OF INTERACTION WITH THESE COMMUNITIES;
21 AND THEN, THEY BASICALLY GO ON TO DETAIL THE GANG, THE AREA, AND
22 THE VIOLENCE IN THAT PARTICULAR COMMUNITY.

23 THERE'S REALLY NO FORMAL EDUCATION. THEY'RE
24 NOT PSYCHOLOGISTS OR SOCIOLOGISTS. THEY COME IN AND MAKE A LOT
25 OF BROAD GENERALIZATIONS USING THE CRITERIA OF RACE, RESIDENCE,

1 APPEARANCE, ASSOCIATIONS TO TIE THIS PARTICULAR INDIVIDUAL TO
2 THIS PARTICULAR GANG.

3 THEY ALSO, AGAIN, USE BROAD GENERALIZATIONS IN
4 TERMS OF, WELL IF A PERSON SELF-IDENTIFIED AS A GANG MEMBER,
5 REGARDLESS OF HOW OLD THE FIELD INTERVIEW CARD IS; ONCE IN A
6 GANG, ALWAYS IN A GANG. THEY, THEN, FURTHER GO ON TO SAY THAT
7 THIS PARTICULAR PERSON HAS KNOWLEDGE OF EACH AND EVERY OTHER
8 INDIVIDUAL THAT'S IN THAT GANG AND THAT CRIMINAL ACTIVITY THAT
9 THEY'RE PARTICIPATING IN WITHOUT ANY SORT OF SUPPORT FOR THAT.

10 BASICALLY, THEY JUST COME IN AND TESTIFY AS
11 EXPERTS. AND THEIR TESTIMONY IS VERY FLEXIBLE IN TERMS OF THE
12 FACT SITUATION. SAY, FOR INSTANCE, SELF-IDENTIFICATION. IF
13 THEY -- A PERSON SELF-IDENTIFIES -- AND I THINK THAT WE'VE
14 DISCUSSED THE PROBLEMS WITH SELF-IDENTIFICATION -- THEY WILL
15 TESTIFY THAT THE PERSON OBVIOUSLY IS A GANG MEMBER BECAUSE HE
16 SELF-ID'D.

17 THEY ALSO WILL, THEN, TESTIFY THAT EVEN IF A
18 PERSON DENIES THAT THEY'RE A GANG MEMBER, THAT THIS IS A NEW
19 TREND TO DENY GANG MEMBERSHIP SO THAT THEY DON'T GET THE GANG
20 ENHANCEMENT. SO, EITHER WAY, IF AN INDIVIDUAL IS STOPPED AND
21 QUESTIONED BY POLICE, THEY LOSE ALL THE WAY AROUND. IF
22 THEY -- BECAUSE EVEN IF THEY DENY IT, THEY'RE STILL PERCEIVED BY
23 THE POLICE, STILL TAKING ALL OF THE INFORMATION AS GANG MEMBERS.

24 AND I'LL JUST GIVE YOU AN EXAMPLE OF THAT.
25 THERE WAS A 12-YEAR-OLD WHO WAS CHARGED WITH A ROBBERY, WHO HAD

1 NEVER BEEN FIELD-IDENTIFIED, WHO HAD NEVER HAD ANY SORT OF POLICE
2 CONTACT BEFORE; BUT THEY ALLEGED A GANG ENHANCEMENT ALLEGATION.
3 AND THE REASON THE POLICE OFFICER TESTIFIED THAT THIS PERSON WAS
4 PART OF A GANG AND PART OF A CRIMINAL STREET GANG WAS BECAUSE HIS
5 OLDER BROTHER AND HIS OLDER COUSIN WERE MEMBERS. THEREFORE, BY
6 HIM HAVING SOME SORT OF FAMILY RELATIONSHIP, HE WAS THEN PART OF
7 THIS GANG, EVEN THOUGH HE HAD NEVER DONE ANYTHING TO AFFIRM IT.
8 HE DIDN'T HAVE ANY SORT OF TATTOOS; HE DIDN'T HAVE A MONIKER; HE
9 DIDN'T HAVE ANYTHING ELSE THAT WOULD NORMALLY AND TRADITIONALLY
10 BE USED IN TERMS OF IDENTIFYING SOMEBODY AS A GANG MEMBER.

11 ANOTHER PROBLEM THAT I SEE IN TERMS OF POLICE
12 TESTIFYING AS EXPERTS IN THIS PARTICULAR GANG AREA IS THAT THEY
13 HAVE A BIAS. THEY ARE THE ONES THAT ARE COLLECTING THIS
14 INFORMATION; THEY ARE THE ONES THAT ARE STOPPING THE PEOPLE; AND
15 THEY ARE THE ONES THAT ARE ALSO STOPPING THE PEOPLE BASED ON
16 THESE RACIAL STEREOTYPES: ALL LATINOS MUST BE GANG MEMBERS IF
17 THEY HAVE SHAVED HEADS AND THEY'RE WEARING BIG, BAGGY CLOTHES;
18 ALL AFRICAN-AMERICANS MUST BELONG TO EITHER THE BLOODS OR THE
19 CRIPS; AND THE ASIAN GANGS, YOU KNOW, IF THEY'RE IN A COFFEEHOUSE
20 AND IF THEY'RE CONGREGATING, THEN THEY MUST BE PARTICIPATING IN
21 SOME SORT OF CRIMINAL ACTIVITY.

22 BEYOND CHALLENGING THE ENHANCEMENT, WE ALSO
23 HAVE TO -- EVEN IF THERE'S NOT A GANG ENHANCEMENT ALLEGATION WHEN
24 A CRIME IS FILED, WHEN THEY'RE IN JUVENILE COURT, WE HAVE A
25 PROBATION REPORT. AND SO, IF THEY INDICATE ON THE PROBATION

1 REPORT THAT THEY HAVE ANY SORT OF ASSOCIATES OR KNOW OF ANYBODY,
2 WE ALSO THEN HAVE TO FOCUS ON THAT, BECAUSE THAT WILL THEN CHANGE
3 THE WAY THAT THEIR CASE IS DEALT WITH ENTIRELY.

4 AND SO, I WANTED TO MOVE INTO THAT. FOR YOUTH
5 OF COLOR IN ORANGE COUNTY, MOST LIKELY, THEY WILL BE ON GANG
6 TERMS. AND "GANG TERMS" -- I JUST WANTED TO GO OVER THAT WITH
7 YOU -- IS BASICALLY, YOU'D BE ON SEARCH AND SEIZURE; YOU CAN HAVE
8 NO ASSOCIATION WITH ANY ASSOCIATES OR KNOWN GANG MEMBERS; YOU
9 CAN'T WEAR PARTICULAR GANG-STYLE CLOTHING; AND YOU HAVE AN
10 8:00 P.M. CURFEW.

11 THESE PARTICULAR PROBATION TERMS ARE MUCH MORE
12 SEVERE THAN IF SOMEBODY ELSE HAD THEM. AND EVEN IF WE LOOK AT,
13 SAY, FOR INSTANCE, TRESPASSING. WE HAVE A WHITE KID TRESPASSING,
14 AND THEN WE HAVE A LATINO OR AN ASIAN KID TRESPASSING. IF THE
15 PROBATION OFFICER SPEAKS TO BOTH GROUPS AND FORMS THE OPINION
16 THAT THE LATINO OR THE ASIAN IS INVOLVED IN A GANG THROUGH
17 ASSOCIATION, NEIGHBORHOOD, ET CETERA, AND MAKES THAT -- THAT
18 RECOMMENDATION, WHICH THEY ALWAYS DO, THIS PARTICULAR INDIVIDUAL
19 WILL GET THE GANG TERMS. THE WHITE INDIVIDUAL WILL NOT, EVEN
20 THOUGH THEIR FACT SCENARIOS ARE VERY, VERY SIMILAR.

21 IN ADDITION TO THAT, BASICALLY, ONCE YOU'RE IN
22 A SYSTEM IN PROBATION AS A GANG MEMBER, REGARDLESS OF WHETHER
23 PROBATION IS RELIEVED FROM SUPERVISION, THOSE GANG TERMS REMAIN
24 IN EFFECT; AND THEY WILL REMAIN IN EFFECT UNTIL YOU'RE 21.

25 ANOTHER PROBLEM IN TERMS OF GANG TERMS AND IN

1 TERMS OF PROBATION WRITING THIS REPORT, MAKING THESE
2 RECOMMENDATIONS TO THE COURT TO IMPOSE THESE TERMS, IS A LOT OF
3 TIMES WE DO HAVE SO MANY WANNA-BE'S; AND WHEN THEY'RE TALKING TO
4 PROBATION, AND WHEN THEY'RE TALKING TO THE POLICE, THEY BASICALLY
5 SPOUT OFF, "YES, I'M A PART OF THIS." OR, "YES, I'M A PART OF
6 THAT."

7 WE HAD ONE PARTICULAR INDIVIDUAL WHO INDICATED
8 THAT HE WAS A MEMBER OF A GANG, SELF-IDENTIFIED; AND WHEN ASKED,
9 AND HOW MANY MEMBERS ARE IN THIS GANG, AND WHAT'S THE NAME OF
10 THAT GANG, HE INDICATE -- HE GAVE THE NAME OF THE GANG. HE SAID,
11 "THERE'S ONE MEMBER. I'M IT. I'M THE PRESIDENT." THAT'S
12 PROBLEMATIC; AND PROBATION STILL, BECAUSE HE HAD THESE VIEWS IN
13 REGARDS TO GANGS, RECOMMENDED GANGS TERMS, WHICH WERE IMPOSED
14 EVEN THOUGH IN ORDER TO BE A MEMBER OF A GANG, THERE HAS TO BE
15 THREE MEMBERS.

16 BESIDES PROBATION CONSEQUENCES, THERE'S THE
17 PROBLEMS WITH THE GANG DATABASE. WE'VE DISCUSSED THE ACCURACY;
18 HOW CAN SOMEBODY BE REMOVED. AND I LOOK AT IT IN BOTH ASPECTS:
19 IN TERMS OF THE CRIMINAL ARENA, IT'S VERY DIFFICULT TO CHALLENGE
20 THAT BECAUSE WE HAVE THE EXPERT TESTIMONY OF THE POLICE; BUT
21 OUTSIDE THE CRIMINAL ARENA, WHAT RECOURSE DO THE INDIVIDUALS THAT
22 ARE IDENTIFIED HAVE BECAUSE OF THE MIS-IDENTIFICATION THAT GOES
23 ON ALL THE TIME.

24 WHEN WE GET FIELD INTERVIEW CARDS IN COURT,
25 NORMALLY WE GET ABOUT THREE OR FOUR OF THEM ON AN INDIVIDUAL, IF

1 WE HAVE THEM AT ALL. AND IF YOU LOOK AT THEM AT DIFFERENT TIMES
2 THAT THEY'VE BEEN STOPPED, THE PERSON WILL GIVE A DIFFERENT
3 MONIKER, A DIFFERENT NICKNAME, MAYBE A DIFFERENT DATE OF BIRTH,
4 AND MAYBE EVEN A DIFFERENT GANG. THAT IS NOT UNUSUAL.

5 SO, THEN, HOW DO YOU TIE THIS PARTICULAR PERSON
6 TO A PARTICULAR GANG WHEN HE'S SAYING ALL SORTS OF DIFFERENT
7 PEOPLE: F-TROOP, 17TH STREET, FIFTH STREET, WHATEVER. YOU KNOW,
8 THEIR INFORMATION THAT THEY'RE PROVIDING IS UNRELIABLE.

9 AND I JUST WANTED TO GO BACK IN TERMS OF THE
10 CONSEQUENCES OF THIS --

11 DR. HERNANDEZ: WILL YOU, PLEASE, JUST MAYBE SUMMARIZE
12 BECAUSE WE'RE RUNNING SHORT ON TIME.

13 MS. VERASTEGUI: YES. I APOLOGIZE, AND I WILL DO SO,
14 BASICALLY, WITH THIS LAST EXAMPLE.

15 WHAT WE HAVE ARE TWO INDIVIDUALS IN A CAR,
16 DRIVING; THEY ARE PULLED OVER FOR A -- NOT HAVING A FRONT LICENSE
17 PLATE. POLICE OFFICERS DETAIN AND GET CONSENT TO SEARCH THE CAR,
18 AND A GUN IS FOUND IN THE CAR. ONE DEFENDANT ADMITS GANG
19 MEMBERSHIP; THE OTHER ONE DENIES IT, BUT BECAUSE HE KNOWS THIS
20 INDIVIDUAL, BOTH OF THEM ARE, THEN, CHARGED WITH THIS PARTICULAR
21 GUN. AND BOTH OF THEM NOW HAVE GANG ENHANCEMENT ALLEGATIONS,
22 EVEN THOUGH THE PERSON DENIED ANY SORT OF MEMBERSHIP. IT HAS ALL
23 SORTS OF RAMIFICATIONS AND PROBLEMS IN TERMS OF DEALING WITH
24 THESE CASES.

25 IN TERMS OF 707 HEARINGS, WHICH IS TO DETERMINE

1 WHETHER OR NOT A MINOR IS FIT TO BE TRIED AS AN ADULT OR A MINOR,
2 IF A PERSON IS AN AIDER AND ABETTOR AND DOESN'T HAVE ANY SORT OF
3 GANG TIES BUT HAS ASSOCIATES OR AFFILIATES, THAT -- IT WILL BE
4 VERY HARD-PRESSED TO KEEP THAT PERSON IN JUVENILE COURT AS A
5 MINOR. THAT PERSON WILL MOST LIKELY BE TRIED AS AN ADULT.

6 AND I APOLOGIZE FOR TAKING SO LONG, AND I THANK
7 YOU FOR YOUR PATIENCE.

8 DR. HERNANDEZ: OKAY. I HAVE SOME MEMBERS THAT WANT TO ASK
9 QUESTIONS. I'LL START WITH LUZ BUITRAGO, TO MY RIGHT.

10 MS. BUITRAGO: THE CHAIR ADMONISHED US THIS MORNING NOT TO
11 MAKE STATEMENTS, BUT I HAVE TO MAKE ONE STATEMENT. ON THE WAY TO
12 THE AIRPORT THIS MORNING --

13 DR. HERNANDEZ: USE THE MICROPHONE.

14 MS. BUITRAGO: I JUST HAVE TO MAKE ONE STATEMENT BEFORE I
15 ASK MY QUESTION, AND THAT IS THAT ON THE WAY TO THE AIRPORT THIS
16 MORNING, I WAS LISTENING TO NPR, [PHONETIC]; AND IT WAS A YOUTH
17 RADIO PRESENTATION BY A YOUNG HAYWARD KID WHO WAS TALKING,
18 ACTUALLY, TO OTHER YOUNG PEOPLE -- TRYING TO TALK TO OTHER YOUNG
19 PEOPLE ABOUT THE PROBLEM OF HOW IT IS SO TRENDY AND SO COMMON
20 NOWADAYS FOR KIDS TO BE WANNA-BE'S AND TO ACTUALLY SAY, "I'M A
21 GANG MEMBER," FOR DIFFERENT REASONS. NOT JUST BECAUSE THEY NEED
22 TO PROTECT THEMSELVES, BUT BECAUSE THAT'S BECOME THE TRENDY THING
23 TO DO.

24 SO, I DO HAVE CONCERNS ABOUT THE ADMISSIONS
25 CRITERIA BEING USED AS ONE OF THE CRITERIA FOR LABELING A GANG.

1 WE NEED TO TAKE INTO ACCOUNT WHAT'S HAPPENING IN OUR SOCIETY, AND
2 THAT'S PART OF IT.

3 THE QUESTION THAT I HAVE IS FOR MR. CONLEY, AND
4 THAT IS: I'M WONDERING WHETHER ANYONE IN YOUR OFFICE, OR ANY
5 OTHER BODIES THAT ARE PART OF THE GREAT SYSTEM, HAVE DONE ANY
6 KIND OF EVALUATION TO LOOK AT WHY IT IS THAT 64 PERCENT OF
7 HISPANICS AND 8.5 OF ASIANS ARE PART OF THAT GREAT SYSTEM IN THE
8 COUNTY. LOOKING AT THE NUMBERS THAT YOU'VE GIVEN REGARDING OTHER
9 PARTS OF THE STATE, AGAIN, THE SAME COMES TO ISSUE. 100 PERCENT
10 AFRICAN-AMERICANS IN RICHMOND.

11 MY CONCERN IS THE OVERWHELMING PERCENT OF
12 MINORITY KIDS; AND I'M JUST WONDERING WHETHER ANYONE HAS DONE A
13 STUDY TO TRY TO EXPLAIN WHY THOSE NUMBERS COME OUT THE WAY THAT
14 THEY DO.

15 MR. CONLEY: WELL, IF YOU ASK ME AS A MEMBER OF LAW
16 ENFORCEMENT, I DON'T FIND THE NUMBERS TO BE OFF IN TERMS OF
17 ORANGE COUNTY. I GAVE YOU THE STATISTIC THAT, OF THE CASES WE
18 HAVE FILED -- THAT IS THE CASES THAT THE POLICE HAVE
19 SOLVED -- 63.5 PERCENT WERE HISPANIC. IN THE ORANGE COUNTY GREAT
20 SYSTEM, IT'S 72.9 PERCENT HISPANIC. SO, THE HISPANIC GANG
21 PROBLEM IS THE SERIOUS GANG PROBLEM IN ORANGE COUNTY. OF COURSE,
22 ANY GANG PROBLEM IS SERIOUS.

23 SO, I DON'T LOOK AT THOSE NUMBERS AS SHOWING AN
24 OVER-REPRESENTATION, OR WHAT HAVE YOU, OF HISPANICS, LET'S SAY.
25 AND WHEN I LOOK AT THE ORANGE COUNTY FIGURES -- I WASN'T PREPARED

1 TO DEFEND THE STATE FROM HAYWARD DOWN AS I ARRIVED THIS MORNING,
2 BUT THOSE NUMBERS, IT'S -- LET'S LAY THE CARDS ON THE TABLE.
3 IT'S A PROBLEM. GANGS ARE A PROBLEM. MAINLY IN TERMS OF ORANGE
4 COUNTY -- VERY DIFFERENT IN OTHER PARTS OF THE STATE -- OF
5 HISPANIC AND ASIAN. WHITE AND BLACK ARE RELATIVELY SMALL, THOUGH
6 THEY'RE SERIOUS STILL.

7 SO, DO YOU THINK THOSE TWO FIGURES ARE FAR OFF?
8 I DON'T.

9 MS. BUITRAGO: ACTUALLY, I DO; BECAUSE IF YOU LOOK AT THE
10 PERCENTAGE OF THE WHITES, IT'S VERY SMALL. AND I GUESS THE
11 CONCERN I HAVE IS THAT I THINK A STUDY SHOULD BE DONE.

12 THERE SHOULD BE AN EVALUATION OF WHY IT IS THAT
13 THOSE NUMBERS TURN OUT TO BE THAT WAY; AND I THINK THAT THE
14 ANSWER MIGHT BE THAT THERE MIGHT BE THAT THERE MIGHT BE A
15 SOLUTION; AND I DON'T KNOW IF ANY OF THE OTHER MEMBERS OF THE
16 PANEL MIGHT BE ABLE TO RESPOND.

17 MR. CREW: QUICKLY, I THINK PART OF THE PROBLEM IS THAT THE
18 SYSTEM BECOMES SELF-FULFILLING. ONE OF THE CRITERIA HAS TO DO
19 WITH WHERE SOMEONE RESIDES; AND IF YOU RESIDE IN AN AREA THAT
20 HAD -- HAS BEEN LABELED A GANG AREA, YOU ARE MUCH MORE LIKELY,
21 THEN, TO BE ALSO LABELED A GANG MEMBER AND BE COUNTED IN THESE
22 SORTS OF SITUATIONS.

23 SO, THE EXACT SAME INCIDENT, THE EXACT SAME
24 CRIME, THE EXACT SAME BEHAVIOR BY A WHITE KID IN A NON-GANG
25 AREA -- AND IN FACT, WORSE BEHAVIOR. YOU CAN BE ARRESTED FOR

1 TAGGING -- YOU KNOW, FOR PUTTING GANG GRAFFITI UP IN A NON-GANG
2 AREA, YOU WILL NOT BE LABELED A GANG MEMBER; BUT IF YOU ARE
3 UNLUCKY ENOUGH TO LIVE IN AN AREA THAT LAW ENFORCEMENT HAS
4 DESIGNATED AS A GANG AREA, AND THOSE GANG AREAS -- I MEAN, I
5 WOULD ASK A QUESTION: HOW MANY WHITE AREAS IN ORANGE COUNTY HAVE
6 BEEN DESIGNATED GANG AREAS? THAT'S PART OF THE ANSWER TO THE
7 NUMBER. IF YOU HAPPEN TO BE IN THOSE -- IF YOU'RE TARGETING
8 COMMUNITIES OF COLOR, NATURALLY THE RESULT IS GOING TO BE
9 OVERWHELMINGLY PEOPLE OF COLOR TRAPPED IN THIS SYSTEM.

10 DR. MAYER: I'M DR. FRANK MAYER. BECAUSE OF A COMMITMENT
11 THIS AFTERNOON, I'M NOT GOING TO BE ABLE TO ATTEND THE AFTERNOON
12 SESSION. I'M SORRY FOR THAT, BECAUSE I'VE GAINED A LOT; AND MY
13 FIRST RESPONSE IS TO THANK ALL OF YOU PEOPLE FOR ENRICHING MY
14 UNDERSTANDING OF THE GANG SITUATION.

15 MY QUESTION IS TO MR. CONLEY: MR. CONLEY, IF I
16 WAS TO COME IN LATE AND JUST LISTEN TO THE FOUR PEOPLE TO YOUR
17 RIGHT -- I WROTE DOWN SOME OF THE ADJECTIVES THAT THEY USED TO
18 DESCRIBE THE ANTI-GANG PROGRAM HERE IN ORANGE COUNTY. IT'S,
19 BASICALLY, A ROGUE-ELEPHANT SYSTEM, DISORGANIZED, ONE THAT LACKS
20 STANDARDS, DEALS ONLY -- BASICALLY IN RACIAL STEREOTYPES, IS
21 BIASED, IS AN UNACCOUNTABLE SYSTEM, AND PREYS ON 12-YEAR-OLDS.

22 IT'S -- BASICALLY, THE BOTTOM LINE, IT'S
23 DESTRUCTIVE TO DUE PROCESS. IS IT OR ISN'T IT?

24 MR. CONLEY: NO, IT ISN'T; AND WHY DO YOU HAVE THIS
25 DISCREPANCY BETWEEN ME AND THE FOUR OTHER PANELISTS? WE HAVE

1 THREE MEMBERS OF THE ACLU AND A PUBLIC DEFENDER, AND YOU EXPECT
2 TO FIND UNANIMITY? I DON'T THINK YOU'RE GOING TO HAVE IT HERE.

3 DR. MAYER: NO, I'M NOT. I'M JUST PICKING UP ON WHAT
4 THEY'RE DESCRIBING OF THE SYSTEM YOU'RE RUNNING; AND I'M JUST
5 ASKING YOU: ARE THEY ON THE MONEY OR AREN'T THEY?

6 MR. CONLEY: WELL, FIRST OF ALL, I THINK MOST OF THEM, WITH
7 EXCEPTION TO THE PUBLIC DEFENDER, ARE NOT TOO FAMILIAR WITH
8 ORANGE COUNTY. WE'VE HEARD STORIES FROM AS FAR -- WAS HAYWARD
9 THE FARTHEST?

10 MR. CREW: TULE LAKE, ACTUALLY.

11 MR. CONLEY: TULE LAKE. I CAN'T COMMENT ON THE SAFEGUARDS,
12 FOR EXAMPLE, OF GREAT IN OTHER COUNTIES. I KNOW THE WRITTEN
13 SAFEGUARDS ON GREAT IN ORANGE COUNTY, AND THIS CRITERIA. I KNOW
14 WE PURGE EVERY FIVE YEARS. IT'S UNFAIR TO ASK ME TO DEFEND THE
15 STATE.

16 DR. MAYER: I'M NOT ASKING YOU TO --

17 MR. CONLEY: THERE ARE WRITTEN CRITERIA IN THIS COUNTY, FOR
18 EXAMPLE. WHEN I LOOK AT SOME OF THIS, I FIND WITH DUE RESPECT,
19 THE PUBLIC DEFENDER IS DISAGREEING ABOUT CALIFORNIA LAW; THAT
20 POLICE CAN TESTIFY AS EXPERTS. WELL, THAT'S THE LAW; AND IF THE
21 PUBLIC DEFENDER FEELS THAT CALIFORNIA LAW -- BECAUSE YOU'RE
22 TAKING A FEDERAL PERSPECTIVE -- IS UNFAIR, THEY CAN GO ON A
23 FEDERAL WRIT OF HABEAS CORPUS AND CONCLUDE TO THAT.

24 WHEN THE PUBLIC DEFENDER CLAIMS THAT THERE'S
25 INSUFFICIENT EVIDENCE THAT A 12-YEAR-OLD IS A GANG MEMBER, A

1 JUDGE OR A JURY HAS TO DETERMINE THAT. IT'S NOT A POLICE
2 DETERMINATION BEFORE PENALTIES ARE PUT IN.

3 I THINK WE'RE KIND OF SAYING, CAN POLICE MAKE
4 MISTAKES? ABSOLUTELY. I'M NOT GOING TO SAY POLICE ARE PERFECT.
5 WE'RE ALL MAKING MISTAKES; BUT IS THE SYSTEM CORRUPT, OR IS IT
6 RACIST BECAUSE WE HAVE FILED AGAINST 63.5 PERCENT HISPANIC? I
7 DON'T BELIEVE SO. IT'S AN HISPANIC GANG PROBLEM IN ORANGE
8 COUNTY.

9 SO, A LOT OF WHAT'S SAID MAY HAVE SOME
10 APPLICATION ELSEWHERE. I CAN'T COMMENT ON THAT, BUT IT DOESN'T
11 RING TRUE FROM MY EXPERIENCE HERE.

12 MS. FUA: MY QUESTION IS ALSO TO MR. CONLEY. ARE THERE
13 STANDARDIZED CRITERIA FOR ENTRY INTO THE GREAT SYSTEM? BECAUSE
14 WHAT I HEAR THE FOUR MEMBERS OF THE PANEL SAYING IS THERE ARE NO
15 STANDARDIZED CRITERIA. WHAT I HEARD YOU SAY IS THERE IS A GOOD
16 SYSTEM FOR SAFEGUARDING WHO GETS IN; AND I THINK THAT'S THE ISSUE
17 HERE: WHO GETS IN AND HOW THEY GET OUT; WHO'S MONITORING IT.
18 WHAT CAN YOU TELL ME ABOUT THAT?

19 MR. CONLEY: YOU HAVE TO LISTEN CAREFULLY TO THE LAWYERS.
20 THEY SAID THERE WAS NO STANDARDIZED, STATEWIDE CRITERIA. THEY
21 SAID THERE'S NO STANDARD STATEWIDE AUDIT.

22 THESE ARE NODES, AND ALL I CAN TALK ABOUT IS
23 THE ORANGE COUNTY NODE. THERE IS FIVE DIFFERENT WRITTEN CRITERIA
24 FOR GANG MEMBER SUBMISSION.

25 MS. FUA: BUT DON'T YOU FIND IT TROUBLING THAT THERE IS NO

1 STATEWIDE CRITERIA; THAT ONE OF YOUR FELLOW -- YOU KNOW, FROM
2 BERKELEY OR WHEREVER -- CAN HAVE CRITERIA THAT IS TOTALLY WRONG,
3 SOMETHING YOU WOULD DISAGREE WITH; AND YET, THEY ARE MADE PART OF
4 THE SYSTEM, AND KEPT THERE, IDENTIFIED AS A GANG MEMBER? ISN'T
5 THAT PROBLEMATIC?

6 MR. CONLEY: HYPOTHETICALLY -- THIS AFTERNOON, YOU'RE GOING
7 TO HAVE AN EXPERT ON GREAT TALK, LOREN DUCHESNE FROM OUR OFFICE.
8 I HAVE NOT LOOKED AT, FOR EXAMPLE -- I'M A PROSECUTOR, BUT I
9 BASICALLY, HAVEN'T LOOKED AT THE CRITERIA THAT THE BAY AREA USES
10 OR LOS ANGELES; BUT I FEEL COMFORTABLE WITH THE ONES WE HAVE.
11 AND AS I MENTIONED, 80 PERCENT IN TERMS OF THE ORANGE COUNTY
12 DATABASE, HAVE ADMITTED IT.

13 AND I RESPECTFULLY DISAGREE, DESPITE NPR, THAT
14 PEOPLE CASUALLY GO AROUND ADMITTING GANG MEMBERSHIP. FIRST OF
15 ALL, YOU DON'T ADMIT GANG MEMBERSHIP IN A GANG AREA UNLESS YOU
16 ARE. IT'S LIKE SAYING, "I'M AN EX-MARINE," WHEN YOU'RE NOT.
17 THAT CAN GET YOU IN DEEP TROUBLE. NO ONE CLAIMS TO BE DEL-HI,
18 [PHONETIC], WHEN THEY'RE NOT DEL-HI. I'M NOT SAYING CASUALLY
19 SOMEONE MIGHT; BUT WHEN OFFICER SMITH COMES UP WITH GUNS AND
20 BOOTS, ARE PEOPLE CASUALLY SAYING THAT THEY'RE A MEMBER OF A
21 GANG?

22 THAT DOESN'T RING TRUE WITH ME. I'M SORRY.

23 DR. HERNANDEZ: DR. ERLER?

24 DR. ERLER: YES. MR. CONLEY -- BUT I HAVE QUESTIONS FOR
25 OTHERS, SO WE'RE NOT JUST PICKING ON YOU.

1 DO YOU HAVE ANY SENSE OF WHAT PERCENTAGE OF ALL
2 VIOLENT CRIME IN ORANGE COUNTY IS GANG-RELATED?

3 MR. CONLEY: I CAN'T ANSWER THAT BY SPECIFICS. I CAN TALK
4 ABOUT MURDER, FOR EXAMPLE. LET ME GET THE STATISTIC FOR YOU.
5 ROUGHLY HALF THE MURDERS IN ORANGE COUNTY ARE GANG-RELATED.
6 STATE-WIDE -- I WAS JUST LOOKING AT THE STATE-WIDE STATISTICS
7 FROM '95. THIRTY-SIX PERCENT OF STATE-WIDE, IN CALIFORNIA, OF
8 MURDERS WERE GANG-RELATED.

9 SO, IT'S A SIGNIFICANT PROBLEM; BUT GIVING AN
10 OVERALL FIGURE FOR VIOLENT CRIME, I CAN'T DO THAT.

11 DR. ERLER: IN YOUR OPINION, HOW EFFECTIVE IS THE GREAT
12 SYSTEM IN ORANGE COUNTY FOR SOLVING CRIMES?

13 MR. CONLEY: IT'S VERY EFFECTIVE. AND, YOU KNOW, I WAS
14 THINKING AS I WAS HEARING THE COMMENTS, WE COULD DESIGN A GREAT
15 SYSTEM WHERE YOU ONLY PUT IN PEOPLE AFTER THEY'VE BEEN CONVICTED;
16 AND THEN I THINK THAT THE ACLU WOULD BE SATISFIED, BUT AGAIN, WE
17 HAVE TO BALANCE OUR RIGHTS OF FREEDOM VERSUS SECURITY.

18 AND IF YOU GIVE ME TIME, I'LL READ YOU THAT
19 GREAT LANGUAGE FROM THE CALIFORNIA SUPERIOR COURT.

20 DR. ERLER: COULD I ADD SOMETHING?

21 DR. HERNANDEZ: GO AHEAD. ONE MORE QUESTION.

22 DR. ERLER: WELL, I HAVE QUESTIONS FOR OTHERS, TOO.

23 DR. HERNANDEZ: OKAY.

24 DR. ERLER: I HAVE ONE MORE QUESTION -- OR TWO MORE
25 QUESTIONS FOR MR. CONLEY, AND THAT IS: YOU SAID THAT IN THE

1 ORANGE COUNTY DATABASE, 80 PERCENT WERE ADMITTED GANG MEMBERS.
2 HOW DO YOU KNOW THAT?

3 MR. CONLEY: WE HAD OUR COMPUTER RUNDOWN JUST RECENTLY.

4 DR. ERLER: SO, IN OTHER WORDS, IF IT'S 80 PERCENT, THEN
5 THERE'S A PRETTY CLOSE FIT BETWEEN THOSE THAT WERE IN THE
6 DATABASE AND WHO WERE ACTUALLY ACTIVE PARTICIPANTS IN GANGS?

7 MR. CONLEY: THAT'S MY OPINION, AND THAT'S THE OPINION OF
8 LAW ENFORCEMENT.

9 DR. ERLER: THE OTHER QUESTION IS, YOU SAY THAT IN ORANGE
10 COUNTY THERE WERE 382 IDENTIFIED GANGS. DO YOU BELIEVE THAT ALL
11 OF THOSE GANGS ARE ASSOCIATIONS FOR CRIMINAL PURPOSES?

12 MR. CONLEY: THEY'RE SUPPOSED TO BE BEFORE THEY'RE IN THERE,
13 AND GANGS COME AND GO. WE CAN'T SAY THAT THAT NUMBER IS ACTIVE
14 AT THE MOMENT; BUT THEY'RE IDENTIFIED, AND IN A FIVE-YEAR PERIOD,
15 THEY HAVE NOT BEEN PURGED.

16 DR. ERLER: SO, THERE'S --

17 MR. CONLEY: THERE'S A LOT MORE FLUIDITY IN THE GANGS THAN
18 SOME PEOPLE REALIZE.

19 DR. ERLER: SO THAT ONE OF THE DEFINITIONS OF "GANG" HERE IS
20 THAT THEY'RE ORGANIZED TO PURSUE CRIMINAL ACTIVITY?

21 MR. CONLEY: RIGHT. THERE'S NO BOY SCOUT TROOPS IN THERE,
22 THAT I KNOW OF.

23 DR. ERLER: NOW, THIS LEADS ME TO MR. CREW. YOU MENTIONED
24 SEVERAL ISSUES OF CIVIL RIGHTS. I'D ASK YOU, IF YOU COULD, BE
25 MORE SPECIFIC. I THINK YOU MENTIONED, FOR EXAMPLE, ASSOCIATIONAL

1 RIGHTS; BUT PRESUMABLY, YOU DON'T ARGUE THAT THERE'S AN
2 ASSOCIATIONAL RIGHT TO BE A MEMBER OF A GROUP THAT'S ORGANIZED
3 FOR CRIMINAL PURPOSES, EITHER. I PRESUME THAT THERE'S NO
4 ASSOCIATIONAL RIGHTS INVOLVED IN THAT. YOU ALSO MENTIONED FOURTH
5 AMENDMENT RIGHTS.

6 IS IT YOUR CONTENTION THAT THE PHOTOGRAPHING
7 ITSELF IS AN ILLEGAL SEARCH AND SEIZURE?

8 MR. CREW: SEVERAL ISSUES THERE. FIRST, LET ME JUST BRIEFLY
9 COMMENT, WHEN WE TALK ABOUT STATE-WIDE CRITERIA, THAT THE PROBLEM
10 IS IT'S A STATE-WIDE SYSTEM. ORANGE COUNTY IS NOT ONLY RELYING
11 ON THEIR DATA, THEY'RE RELYING -- THEY HAVE ACCESS TO DATA FROM
12 OTHER DATABASES. IT MAY BE USED IN TOTALLY DIFFERENT CRITERIA.
13 THAT'S THE NOOK.

14 WITH RESPECT TO YOUR QUESTION ABOUT THE
15 PHOTOGRAPHING ISSUE, PHOTOGRAPHING IN A DETENTION CIRCUMSTANCE,
16 IF THERE IS REASONABLE SUSPICION TO BELIEVE THAT INDIVIDUAL THAT
17 YOU'VE DETAINED MAY BE INVOLVED IN CRIME, THEN YOU HAVE LEGAL
18 CAUSE TO DETAIN THAT INDIVIDUAL. IF IDENTIFICATION IS PART OF
19 WHAT YOU NEED TO DETERMINE TO RESOLVE THAT SUSPICION, THEN IN
20 SOME CIRCUMSTANCES, THE PHOTOGRAPH IS APPROPRIATE ON A
21 NON-CONSENSUAL BASIS.

22 HOWEVER, ONCE YOU INVESTIGATE THAT CRIME AND
23 YOU HAVE RESOLVED THAT SUSPICION, THERE IS NO UNDERLYING
24 INVESTIGATIVE PURPOSE FOR THAT PHOTOGRAPH. ONCE YOU DETERMINE
25 THAT THAT INDIVIDUAL THAT YOU INITIALLY SUSPECTED IS, IN FACT,

1 NOT GUILTY -- YOU MAY HAVE CONVICTED SOMEBODY ELSE -- THAT
2 PHOTOGRAPH, EVEN IF IT WAS LAWFULLY OBTAINED, SHOULD NOT GO IN
3 THAT DATABASE AND SIT THERE FOR FIVE YEARS. THAT IS WHERE WE
4 HAVE CONCERN, AND WE HAVE NEGOTIATED IN NORTHERN CALIFORNIA
5 POLICIES WITH LAW ENFORCEMENT AGENCIES THAT ARE CONSISTENT WITH
6 THAT CONCEPT.

7 SO, THE FOURTH AMENDMENT CONCERN EXISTS IF THEY
8 ARE DETAINING INDIVIDUALS WITHOUT CAUSE, IF THEY ARE
9 PHOTOGRAPHING INDIVIDUALS IN A DETENTION CONTEXT. CERTAINLY,
10 MR. CONLEY'S RIGHT. THERE IS NO EXPECTATION OF PRIVACY JUST WHEN
11 YOU'RE IN PUBLIC; BUT WHEN LAW ENFORCEMENT TAKES A PICTURE FOR
12 THE PURPOSE OF PUTTING IT IN A DATABASE -- PICTURES TAKEN FROM A
13 PASSING VEHICLE, THEY CAN'T USE. THEY NEED TO PUT A NAME WITH
14 THAT INDIVIDUAL THAT THEY PHOTOGRAPHED, AND THAT'S WHERE THE
15 DETENTION COMES IN; AND THAT'S WHY WE THINK THE GARDEN GROVE
16 SETTLEMENT MAKES SENSE. IF YOU THINKS IT'S CONSENSUAL -- IF YOU
17 REALLY BELIEVE IT'S CONSENSUAL, WHY NOT PUT IT IN WRITING.
18 WHAT'S THE HARM TO THAT?

19 DR. ERLER: BUT ARE THESE PHOTOGRAPHS BEING USED AS EVIDENCE
20 OF CRIMINALITY? IN OTHER WORDS, WHERE'S THE ILLEGAL SEARCH AND
21 SEIZURE?

22 MR. CREW: WELL, THE ILLEGAL SEIZURE IS IF YOU'RE DETAINING
23 PEOPLE WITHOUT CAUSE OR CONSENT --

24 DR. ERLER: I PRESUME THAT'S NOT HAPPENING --

25 MR. CREW: WE ARE NOT SURE OF THAT PRESUMPTION. BASED ON

1 OUR EXPERIENCE, UNFORTUNATELY IT'S HAPPENING TO A GREAT DEAL AND
2 IT IS --

3 DR. ERLER: IS IT YOUR CONTENTION THAT POLICE IN ORANGE
4 COUNTY, GENERALLY, ARE DETAINING PEOPLE OR STOPPING PEOPLE SIMPLY
5 BECAUSE THEY LOOK LIKE GANG MEMBERS OR THINGS OF THAT CHARACTER?

6 MR. CREW: SIR, I --

7 DR. ERLER: THESE PHOTOGRAPHS ARE NOT BEING TAKEN INCIDENTAL
8 TO VALID STOPS --

9 MR. CREW: SIR, I'M HERE BECAUSE WE ARE CONCERNED ABOUT WHAT
10 THE STATE-WIDE IMPACT -- AND I WOULD BE LYING IF I TRIED TO
11 PRETEND I KNEW EXACTLY WHAT WAS GOING ON IN ORANGE COUNTY. I DO
12 KNOW IN NORTHERN CALIFORNIA, IT IS VERY COMMON. I KNOW YOU HAVE
13 OTHER WITNESSES LINED UP THIS AFTERNOON THAT COULD BETTER ANSWER
14 THAT QUESTION.

15 DR. HERNANDEZ: CAN I ASK A QUESTION OF MR. CONLEY. IF I
16 GET A CREDIT CHECK -- I'M IN A DATABASE AND I GET A CREDIT CHECK,
17 AND I DISAGREED WITH THAT CREDIT CHECK, I HAVE A RIGHT TO CALL
18 THAT DATABASE COMPANY AND ISSUE A DISAGREEMENT. THAT
19 DISAGREEMENT'S ENTERED INTO THE DATABASE.

20 IF I'M A PARENT, AND MY CHILD IS STOPPED; AND
21 MY CHILD COMES HOME AND TELLS ME, "DAD, I GOT STOPPED BY A POLICE
22 OFFICER. THEY FILLED OUT A CARD ON ME, AND THEY TOOK MY
23 PICTURE." CAN I CALL THE POLICE DEPARTMENT AND SAY, "WHAT
24 HAPPENED TO MY CHILD? I DON'T WANT MY CHILD IN THAT DATABASE. I
25 WANT HIM TAKEN OUT OF THAT DATABASE?"

1 WHAT RECOURSE DO I HAVE; AND IF I KNOW MY
2 CHILD'S NOT A GANG MEMBER; HE'S NEVER BEEN AFFILIATED WITH A GANG
3 IN HIS LIFE; I HAVE NO REASON TO BELIEVE THAT HE'S -- HE DOESN'T
4 SHOW ANY WEIRD BEHAVIOR, CAN I GO TO YOUR OFFICE AND ASK YOU TO
5 TAKE MY SON OUT OF THAT DATABASE?

6 MR. CONLEY: TO BE HONEST WITH YOU, I CAN'T ANSWER YOUR
7 QUESTION. I WOULD SUGGEST YOU ASK LOREN DUCHESNE THIS AFTERNOON.
8 IT'S HANDLED ON A DEPARTMENT BASIS, RATHER THAN GOING THROUGH THE
9 D.A.'S OFFICE.

10 DR. HERNANDEZ: THAT'S ONE OF THE REASONS WHY I'M CONCERNED,
11 BECAUSE I DIDN'T REALIZE -- ONE OF THE THINGS I THINK IT'S RAISED
12 A FLAG IN MY MIND IS THAT THESE ENHANCEMENTS, THERE REALLY IS A
13 DIFFERENCE.

14 IF YOU'RE IN THAT GANG DATABASE, THAT COULD BE
15 USED AS EVIDENCE AGAINST YOU THAT YOU ARE IN A GANG; IS THAT
16 CORRECT?

17 MR. CONLEY: NO, THAT'S NOT CORRECT.

18 DR. HERNANDEZ: THAT'S NOT CORRECT?

19 MR. CONLEY: THE DATABASE IS, BASICALLY, A POINTER SYSTEM;
20 AND IT'S DESIGNED -- SOMEONE ASKED ABOUT THE UTILITY. SOMEONE
21 WILL SAY THE GUY IN THE DRIVE-BY SHOOTING IS "PERLON" FROM EIGHTH
22 STREET; AND THE IDEA IS TO GO TO THAT DATABASE AND RUN IT AND SEE
23 IF YOU CAN FIGURE WHO IS PERLON FROM EIGHTH STREET, THAT KIND OF
24 THING. OR IT'S A GUY NAMED JOSE, WHO DRIVES A WHITE MALIBU. YOU
25 CAN, HOPEFULLY, GO TO THE GANG DATABASE; AND IF YOU'RE

1 LUCKY -- IT DOESN'T ALWAYS WORK OUT -- YOU CAN FIND, IN THAT
2 PARTICULAR GANG, A GUY BY THE NAME OF JOSE WHO DRIVES A WHITE
3 MALIBU; AND THAT STARTS YOU IN THE RIGHT DIRECTION.

4 YOU CAN'T USE THAT DIRECTLY AS EVIDENCE. YOU
5 NEED AN OFFICER, AS THE PUBLIC DEFENDER WAS SAYING, TO COME IN
6 AND SAY, "I'M AN EXPERT ON GANGS. I FOUND THIS AND THIS. IN MY
7 OPINION, THIS IS A GANG MEMBER WE CAUGHT; AND THEN, A JUDGE OR A
8 JURY HAS TO AGREE WITH THAT.

9 DR. HERNANDEZ: SOCORRO?

10 MS. OLSEN: I JUST WANTED TO FIND OUT, HAVING LIVED IN
11 ORANGE COUNTY MYSELF FOR 12 YEARS, JUST RECENTLY MOVED OUT OF IT,
12 ACTUALLY, SPECIFIC REASONS HAVING TO DO WITH GANGS, WHEN MY SON
13 WAS HELD AT GUNPOINT --

14 DR. HERNANDEZ: COULD YOU USE THE MICROPHONE.

15 MS. OLSEN: OH, I WAS IN THE SANTA ANA SCHOOL DISTRICT AREA.
16 SO, I KNOW WHAT IT'S LIKE TO BE ON THE VICTIM SIDE OF IT; AND IT
17 REALLY WAS A TRAUMATIC EXPERIENCE FOR MY SON, WHO'S NOW 13.

18 BUT MY QUESTION ACTUALLY IS, I WANT TO KNOW,
19 SPECIFICALLY, FROM ORANGE COUNTY -- DIRECTING MR. CONLEY, IS:
20 SPECIFICALLY, WHAT IS THE CRITERIA BEING UTILIZED TO IDENTIFY THE
21 SUSPECTS BY THE OFFICERS THAT ARE APPROACHING THEM FOR THESE
22 FIELD CARDS AND THE PHOTOGRAPHY THAT'S BEING TAKEN? WHAT
23 SPECIFICALLY? DO THEY HAVE SOMETHING IN MIND WHEN THEY APPROACH
24 THEM, WHAT THEY'RE GOING TO ASK THEM?

25 MR. CONLEY: NO. I THINK, AND WE'RE BOTH IN AGREEMENT

1 ACTUALLY ON WHAT THE LAW IS, THAT THEY HAVE THE RIGHT TO GO UP
2 AND DETAIN IF THEY HAVE SOME REASONABLE SUSPICION OF CRIMINAL
3 ACTIVITY. AND THAT'S WHAT THE OFFICERS ARE TOLD.

4 IT'S NOT, LIKE, YOU -- HERE ARE TEN THINGS YOU
5 MIGHT FIND, AND YOU MUST FIND SIX OF THOSE BEFORE YOU CAN DO IT.
6 IT'S KIND OF ON A CASE-BY-CASE BASIS, AND THAT'S CALIFORNIA AND
7 FEDERAL LAW.

8 IT'S BASICALLY THE RIGHT TO DETAIN IS NOT --
9 IT'S SOMETHING LESS THAN THE RIGHT TO ARREST, BUT IT HAS TO BE A
10 REASONABLE SUSPICION, BASED ON CONCRETE EVIDENCE THAT THERE MAY
11 BE A CRIME INVOLVED: THE PERSON MEETS THE DESCRIPTION, THE
12 OFFICER'S SEEN A ROACH BEING PASSED. SOMEONE USED THAT AS AN
13 EXAMPLE. WELL, THAT'S A CRIME. THE OFFICER WOULD HAVE THE RIGHT
14 TO GO UP AND TALK TO THE PEOPLE. I KNOW I'M BEING VAGUE --

15 MS. BUITRAGO: EXCUSE ME, BUT YOU MENTIONED THE FIVE
16 CRITERIA THAT ORANGE COUNTY USES.

17 MR. CONLEY: OKAY. THAT'S ON GREAT --

18 MS. BUITRAGO: ON GREAT, RIGHT. NO, NO, NO --

19 MS. OLSEN: VERY SPECIFIC POLICIES FROM ORANGE COUNTY.

20 MR. CONLEY: RIGHT.

21 MS. BUITRAGO: CAN YOU JUST TELL US QUICKLY WHAT THE FIVE
22 CRITERIA ARE?

23 MR. CONLEY: YES, I HAVE THEM; BUT I PREFER YOU ASK THE
24 TECHNICAL QUESTIONS TO THE PERSON COMING THIS AFTERNOON.

25 MS. BUITRAGO: OH, WELL --

1 MR. CONLEY: THERE ARE FIVE CRITERIA: INDIVIDUAL ADMITS,
2 RELIABLE INFORMANT -- THAT'S SOMEONE WITH A TRACK RECORD IN THE
3 PAST OF GIVING RELIABLE INFORMATION -- IDENTIFIES THE PERSON AS A
4 GANG MEMBER, AN INFORMANT WHO HAS NOT BEEN PREVIOUSLY TESTED
5 IDENTIFIES THE PERSON AND IT'S CORROBORATED BY INDEPENDENT
6 EVIDENCE; AND THEN, THERE'S A -- ONE, IT TAKES A LONG TIME TO
7 READ.

8 WHEN THE INDIVIDUAL RESIDES IN OR FREQUENTS --
9 YOU WON'T HAVE TIME TO TAKE IT ALL DOWN. RESIDES IN OR FREQUENTS
10 A PARTICULAR GANG'S AREA, EFFECTS THEIR STYLE OF DRESS, USE OF
11 HAND SIGNS, SYMBOLS OR TATTOOS, OR MAINTAINS AN ONGOING
12 RELATIONSHIP WITH KNOWN GANG MEMBERS; AND WHERE THE LAW
13 ENFORCEMENT OFFICER DOCUMENTS REASONABLE SUSPICION THAT THE
14 INDIVIDUAL IS INVOLVED IN GANG-RELATED CRIMINAL ACTIVITY OR
15 ENTERPRISE. AND THEN, FINALLY, WHERE THE INDIVIDUAL HAS BEEN
16 ARRESTED IN THE COMPANY OF IDENTIFIED GANG MEMBERS FOR OFFENSES
17 WHICH ARE CONSISTENT WITH USUAL GANG ACTIVITY. THOSE ARE THE
18 WRITTEN CRITERIA.

19 MR. PARACHINI: CAN I ADD JUST ONE THING TO THAT, AND THAT
20 IS WHEN WE HAVE TRIED TO FIND OUT WHAT THE STANDARDIZATION LEVEL
21 OF CRITERIA STATE-WIDE IS, ONE OF THE DISTURBING THINGS WE'VE
22 LEARNED IS THAT, FOR EXAMPLE, THERE WAS THIS ATTORNEY GENERAL
23 OPINION, WHICH IS IN THE MATERIALS WE'VE ALREADY GIVEN YOU, DATED
24 APRIL 20TH, 1994; THAT TOLD LAW ENFORCEMENT AROUND THE STATE THAT
25 THEY OUGHT NOT TO BE SO LOOSE ABOUT USING THE TERM "GANG

1 ASSOCIATE," TO PUT SOMEONE IN GREAT.

2 THE PROBLEM IS THAT THERE IS -- BECAUSE THERE
3 IS NO OVERSIGHT AT THE STATE-WIDE LEVEL -- I DON'T KNOW WHEN
4 THESE CRITERIA WERE FINALIZED FOR ORANGE COUNTY. OUR CONCERN IS
5 THAT THERE ARE MANY, POSSIBLY TENS OF THOUSANDS, OF PEOPLE IN
6 THIS NETWORK OF LITTLE DATABASES AROUND THE STATE MAINTAINED BY
7 INDIVIDUAL POLICE DEPARTMENTS, WHO WERE ENTERED THERE PRIOR TO
8 THE TIME WHEN THE ATTORNEY GENERAL RULED, "YOU CAN CAN'T DO THAT,
9 BE SO LOOSE ABOUT GANG ASSOCIATES"; AND THERE PROBABLY STILL ARE,
10 EVEN THOUGH WE'VE HEARD VAGUE ASSERTIONS FROM THE PEOPLE WE'VE
11 TALKED TO IN THE LAST COUPLE WEEKS THAT THERE'S A LOT OF PURGING
12 GOING ON IN THE SYSTEM. I ASKED, "HOW MUCH PURGING?" HE SAID,
13 "I DON'T KNOW, BUT IT'S A LOT," PARTICULARLY IN THE L.A. COUNTY
14 SHERIFFS' DEPARTMENT. WE HAVE NO IDEA HOW MANY PEOPLE ARE STILL
15 IN THESE DATABASES, WHO GOT THERE BECAUSE OF STANDARDS MUCH
16 LOOSER THAN THIS OR THAT; AND I'M NOT SURE I WOULD BE COMFORTABLE
17 WITH THAT EITHER.

18 MR. TOMA: LET ME JUST SAY WHAT THE CRITERIA WAS UP UNTIL, I
19 BELIEVE, 1993, AT LEAST IN THE CITY OF GARDEN GROVE, AND PROBABLY
20 FOR MUCH OF THE STATE; AND THERE WAS A C-6 CRITERIA. WHAT WAS
21 READ WAS THE FIRST FIVE CRITERIA. THERE WAS A SIXTH CRITERIA
22 THAT SAID, "WHEN THERE ARE STRONG INDICATIONS THAT AN INDIVIDUAL
23 HAS A CLOSE RELATIONSHIP WITH A GANG, BUT DOES NOT FIT THE ABOVE
24 CRITERIA, HE SHALL BE IDENTIFIED AS GANG ASSOCIATE."

25 THAT CATCHALL WAS THERE UP UNTIL QUITE

1 RECENTLY; AND ACTUALLY SPECIFICALLY PUT IN THE SETTLEMENT
2 AGREEMENT THAT HAS TO BE REMOVED, AND THEY HAVE TO BE
3 INSTRUCTED -- OFFICERS HAVE TO BE TRAINED THAT THIS IS NO LONGER
4 SUFFICIENT CRITERIA FOR "GANG ASSOCIATE."

5 NOW THAT IS, NOW, ALSO ELIMINATED FROM THE
6 ORANGE COUNTY CRITERIA; BUT WE DON'T KNOW HOW MANY OF THOSE
7 INDIVIDUALS WHO ARE CLASSIFIED UNDER THAT CRITERIA PRIOR TO 1993,
8 AND HOW MANY ARE CURRENTLY BEING CLASSIFIED UNDER CRITERIA THAT
9 MIGHT EXIST OUTSIDE OF THIS COUNTY ARE PART OF THIS SYSTEM AND
10 CONTINUE TO BE CONSIDERED OR TREATED AS GANG ASSOCIATES WITH ALL
11 THE CONSEQUENCES THAT HAVE BEEN TALKED ABOUT IN TERMS OF
12 SENTENCING, ET CETERA.

13 DR. HERNANDEZ: MS. FUA?

14 MS. FUA: MR. CONLEY, EARLIER YOU INDICATED THAT THE ACLU
15 WOULD PROBABLY BE HAPPY ONLY IF THE DATA CONSISTED OF CONVICTED
16 GANG MEMBERS.

17 MY QUESTION TO YOU IS: DO YOU KNOW WHAT
18 PERCENTAGE OF THE PEOPLE THAT ARE IN THE ORANGE COUNTY
19 SYSTEM -- GREAT SYSTEM HAVE EVER BEEN ARRESTED?

20 MR. CONLEY: YOU MIGHT TRY THAT QUESTION ON MR. DUCHESNE
21 THIS AFTERNOON. I DON'T HAVE ANYTHING THAT I WAS GIVEN THAT
22 ANSWERS THAT.

23 MS. FUA: OKAY. I'LL TRY HIM THEN.

24 MR. CONLEY: OKAY.

25 MR. CREW: CAN I JUST BRIEFLY -- THE ACLU'S POSITION IS NOT

1 THAT LAW ENFORCEMENT CAN ONLY KEEP RECORDS OF CONVICTED
2 CRIMINALS; BUT WHAT WE HAVE HERE ARE INDIVIDUALS, EVEN UNDER THE
3 ORANGE COUNTY CRITERIA, READ TO YOU, WHERE THERE'S NO CRIMINAL
4 PREDICATE THAT PUNISHES MERE MEMBERSHIP.

5 THIS GOES BACK TO THE GENTLEMAN'S QUESTION.
6 UNDER THE DEFINITION OF A GANG, UNDER ORANGE COUNTY'S CRITERIA,
7 IT SUGGESTS A GANG IS A GROUP WHOSE MEMBERS, EITHER INDIVIDUALLY
8 OR COLLECTIVELY, ENGAGE IN A PATTERN OF CRIMINAL ACTIVITIES.
9 THAT GETS BACK TO THE ILLUSTRATION THAT I MADE EARLIER. IT'S NOT
10 JUST THAT -- THIS IS NOT THE -- LIMITED TO GANGS, WHERE THE
11 PURPOSE OF THE ASSOCIATION IS CRIMINAL ACTIVITY. THIS, IF IT WAS
12 APPLIED UNILATERALLY -- I'M SORRY, ACROSS THE BOARD EQUALLY,
13 WOULD APPLY TO ASSOCIATIONS WHOSE ONLY SOME MEMBERS ARE ENGAGED
14 IN CRIME.

15 IF YOU HAVE A SMALL FRACTION OF A POLICE
16 DEPARTMENT THAT IS CRIMINALLY CORRUPT; UNDER THIS DEFINITION, IF
17 YOU ARE A MEMBER OF THIS POLICE DEPARTMENT, YOU WOULD BE PART OF
18 THAT GANG. AND THAT'S WHERE THE PROBLEM IS. THERE IS NO
19 UNDERLYING CRIMINAL PREDICATE --

20 DR. MAYER: IT WOULD BE HARD TO SAY THAT THE POLICE
21 DEPARTMENT IS ORGANIZED IN CRIMINAL ACTIVITY.

22 MR. CREW: BUT THE DEFINITION DOESN'T REQUIRE THAT. THAT IS
23 OUR CONCERN. THAT IS OUR CONCERN, SIR, IS THAT THE DEFINITION
24 THAT THEY ARE USING DOES NOT REQUIRE THAT THE ASSOCIATION EXISTS
25 FOR A PURPOSE OF CRIMINALITY.

1 THE DEFINITION REQUIRES ONLY THAT SOME
2 INDIVIDUALS IN AN ASSOCIATION -- SO, IF THERE ARE MEMBERS OF THE
3 BAR ASSOCIATION, WHICH I'M A MEMBER -- THEY'RE ENGAGED IN CRIME.
4 THEREFORE, I'M A SUSPECT BECAUSE I'M A MEMBER OF THAT
5 ASSOCIATION. AND THAT, SIR, I WOULD SUBMIT IS GUILT BY
6 ASSOCIATION AND INAPPROPRIATE AND ULTIMATELY DESTRUCTIVE AND
7 INEFFECTIVE.

8 DR. MAYER: SO, THIS IS YOUR ASSOCIATIONAL RIGHTS ARGUMENT
9 EARLIER?

10 MR. CREW: ABSOLUTELY.

11 DR. MAYER: AND I WOULD JUST ASK THE PANEL GENERALLY, AND
12 PERHAPS MISS VERASTEGUI, BECAUSE YOU TOUCHED ON THIS TOO, WHAT
13 RIGHTS ARE WE PRECISELY TALKING ABOUT HERE? WE'VE GOT
14 UNREASONABLE SEARCH AND SEIZURE HAS BEEN MENTIONED, DUE PROCESS
15 RIGHT, RIGHT TO PRIVACY, ASSOCIATIONAL RIGHTS.

16 I'D LIKE A LITTLE MORE PRECISE DEFINITION OF
17 WHAT'S AT STAKE HERE. WHAT ARE WE CONFRONTING? WHAT ISSUES
18 SHOULD WE BE LOOKING AT HERE?

19 MS. VERASTEGUI: WELL, BASICALLY -- I MEAN, LET ME JUST GIVE
20 THIS EXAMPLE: THERE ARE TWO POLICE OFFICERS IN SANTA ANA THAT
21 ARE IN THE GANG BOOK THAT HAVE NOT BEEN REMOVED, AND I THINK THAT
22 THEY WOULD FIND THAT OFFENSIVE.

23 I THINK THAT ANYBODY WHO IS LABELED AS A GANG
24 MEMBER -- AND I'VE TALKED TO NUMEROUS CLIENTS AND PARENTS OF
25 CLIENTS WHO DENY MEMBERSHIP, AND THEY ARE OFFENDED BY BEING

1 Labeled as gang members.

2 DR. MAYER: NOW, BEING OFFENDED, I DON'T BELIEVE, IS A
3 CONSTITUTIONAL RIGHT.

4 MS. VERASTEGUI: AGREED.

5 DR. MAYER: IS THIS PART OF THE RIGHT TO PRIVACY; IS IT --

6 MS. VERASTEGUI: AGREED.

7 DR. MAYER: -- DUE PROCESS RIGHTS?

8 MS. VERASTEGUI: WELL, MY WHOLE ARGUMENT IN TERMS OF WHETHER
9 OR NOT THIS IS CONSTITUTIONAL -- MR. CONLEY'S RIGHT, POLICE HAVE
10 TO HAVE REASONABLE SUSPICION TO STOP AND DETAIN PEOPLE; BUT
11 NORMAL PRACTICE IN EVERY DAY REAL WORLD, WHAT WE HAVE ARE POLICE
12 OFFICERS WHO DO WHAT'S CONSIDERED CONSENSUAL ENCOUNTERS.
13 BASICALLY, THEY SAY, "HELLO, COULD I SPEAK TO YOU," AND START
14 GATHERING THIS INFORMATION.

15 WHAT THE POLICE OFFICER SAYS IS A CONSENSUAL
16 ENCOUNTER AND COMPLETELY VALID UNDER THE LAW, WHAT A LOT OF TIME
17 MY CLIENTS AND I WOULD ARGUE IS NOT. THEY FEEL COERCED; THEY
18 FEEL ROUSTED; THEY FEEL AS IF THEY HAVE NO ALTERNATIVE, BUT TO
19 BASICALLY SUBMIT TO THE COLOR OF AUTHORITY OF THE POLICE
20 OFFICERS.

21 THEY ARE NOT SEEN AS, PER SE, PART OF THE
22 COMMUNITY, BUT AS ENEMIES OF THE COMMUNITY. AND THAT'S WHERE I
23 WOULD ARGUE THAT THAT ENCOUNTER IS NOT CONSENSUAL. THEREFORE, IT
24 FALLS UNDER WHETHER OR NOT THERE'S REASONABLE SUSPICION AND NO
25 CRIMINAL ACTIVITY SUSPECTED; AND SO, THAT WHOLE ENCOUNTER THAT IS

1 HELD BY IT.

2 DR. MAYER: I MIGHT AGREE WITH YOU, BUT WHERE'S THE
3 ILLEGALITY OR THE UNCONSTITUTIONALITY, IF IT'S A CONSENSUAL
4 STATEMENT --

5 MS. BUITRAGO: I CAN ANSWER. ACTUALLY, LET ME JUST -- I
6 THINK THERE'S BEEN A MENTION OF THE FIRST AMENDMENT, THE FOURTH
7 AMENDMENT; BUT ONE OF THE THINGS THAT THIS COMMITTEE HAS TO LOOK
8 AT IS THE 14TH AMENDMENT, AND THAT IS REALLY IN MY MIND,
9 ACTUALLY, A CIVIL LIBERTARIAN, AND THERE'S A RIGHT OF ASSOCIATION
10 AND ALL THESE ISSUES; BUT I COME TO THIS COMMISSION LOOKING AT
11 THE 14TH AMENDMENT, BECAUSE THAT IS WHAT WE'RE SUPPOSED TO BE
12 LOOKING AT, THE DESPERATE IMPACT ON MINORITY CHILDREN. SO, I
13 THINK THAT'S WHERE THE POTENTIAL ALLEGATION IS --

14 MS. VERASTEGUI: AND I --

15 MS. BUITRAGO: -- AND THIS IS A FACTFINDING HEARING TO FIND
16 OUT WHAT'S GOING ON AND WHAT CAN BE DONE ABOUT IT.

17 MS. VERASTEGUI: I WOULD ALSO LIKE TO COMMENT ON THE
18 DESPERATE IMPACT OF THOSE CLIENTS. THE MAJORITY OF THEM, IF NOT
19 99 PERCENT OF THEM, ARE YOUTH OF COLOR. AND SO, I WANT TO MAKE
20 THAT VERY CLEAR.

21 AND I'VE ALSO DEALT WITH SKINHEAD GANGS,
22 DEALING WITH WHITE; BUT THEY'RE TREATED VERY DIFFERENTLY, IN
23 TERMS OF THEIR RESOLUTION OF THEIR CASE. SAY, FOR INSTANCE, A
24 LATINO WOULD GET GANG TERMS AND JAIL TIME FOR A PARTICULAR
25 OFFENSE, A SKINHEAD WOULD GET VOLUNTEER COMMUNITY SERVICE AND NO

1 GANG TERMS.

2 MR. CONLEY: I HAVE TO HAVE A SHOT AT THAT ONE. I JUST SO
3 TOTALLY DISAGREE WITH THAT, AND I DON'T KNOW WHAT PLANET YOU'RE
4 ON. I'M SORRY. SKINHEAD GANGS ARE TREATED JUST AS DIFFICULTY
5 AND ROUGHLY AS ANYONE ELSE IN TERMS OF THE LEGAL SYSTEM, PROBABLY
6 MORE.

7 WE HAVE A SITUATION -- YOU KNOW, THIS REMINDS
8 ME OF THE DEBATE ABOUT DISCRIMINATION ON CRACK. REMEMBER, THE
9 STATISTICS FROM LOS ANGELES WERE THAT NEARLY EVERYONE BEING
10 ACCUSED OF THE CRACK IN THE FEDERAL COURTS WAS BLACK. OF COURSE,
11 YOU KNOW THE REASON IS BECAUSE CRACK IS VERY POPULAR IN THE BLACK
12 COMMUNITY.

13 THAT WENT TO THE U.S. SUPREME COURT UNDER THE
14 CLAIM THAT THIS SHOWS PER-SE DISCRIMINATION, BECAUSE 90
15 PERCENT -- I FORGET WHAT THE FIGURE WAS, BUT IT'S IN THE 90TH
16 PERCENTILE OF ALL PEOPLE PROSECUTED FOR CRACK WERE BLACK; AND THE
17 SUPREME COURT KICKS IT BACK AND SAYS, "THAT DOESN'T PROVE
18 DISCRIMINATION."

19 AND SIMPLY BECAUSE WE HAVE 60 PERCENT HISPANICS
20 CHARGED WITH GANG -- GANG CRIMES IN ORANGE COUNTY AND 73 PERCENT
21 IN THE DATABASE, I HOPE THAT DOESN'T SHOW DISCRIMINATION. IT
22 SIMPLY SHOWS A SIGNIFICANT PROBLEM IN THE HISPANIC COMMUNITY WITH
23 GANG CRIMES. MANY OF THE VICTIMS OF THOSE PEOPLE ARE HISPANIC.

24 MR. CREW: IF I COULD JUST BRIEFLY, ON THE EQUAL PROTECTION
25 ISSUE, IT'S NOT JUST THE NUMBERS. THE NUMBERS ARE OVERWHELMING,

1 BUT WE HAVE A SITUATION HERE. UNDER THE EXPLICIT POLICIES IN
2 OPERATION IN ORANGE COUNTY, YOU ARE TREATED DIFFERENTLY BASED ON
3 WHERE YOU RESIDE. THAT IS EXPLICIT. THAT'S NOT A STATISTICAL
4 ISSUE, OKAY. THAT IS A VERY COMPELLING EQUAL-PROTECTION ISSUE.

5 IF SOMEONE WHO HAPPENS TO LIVE IN A SO-CALLED
6 GANG AREA -- AND I'VE ASKED THE QUESTION BEFORE AND HAVE NOT
7 HEARD -- HOW MANY OF THE GANG AREAS IN ORANGE COUNTY HAVE BEEN
8 IDENTIFIED IN PREDOMINANTLY WHITE NEIGHBORHOODS, AND I HAVEN'T
9 HEARD THE ANSWER. AND IF THE ONLY -- OR THE OVERWHELMING PERCENT
10 OF AREAS WHERE RESIDENTIALLY YOU ARE PUNISHED MORE OR SUBJECT TO
11 THIS, THAT IS AN EQUAL-PROTECTION ISSUE AS WELL THAT OUGHT TO BE
12 OF CONCERN FOR THIS COMMISSION.

13 THERE ARE SEVERAL OTHER LEGAL ISSUES. IN THE
14 INTEREST OF TIME, WE CAN CHAT LATER. WE CAN SUBMIT IT LATER.

15 DR. HERNANDEZ: I HAVE A QUESTION OF MR. PARACHINI. I WAS
16 KIND OF INTERESTED IN YOUR STUDY OF THE EFFECTS OF INJUNCTIONS ON
17 THE CRIME IN SURROUNDING NEIGHBORHOODS.

18 WHAT DO YOU -- DID YOU EXPLORE THE REASONS WHY
19 THE INJUNCTIONS ARE INEFFECTIVE, AT LEAST IN THE AREA THAT YOU
20 STUDIED; AND DO YOU THINK THAT THE SAME THING MIGHT APPLY IF YOU
21 DID A STUDY IN ORANGE COUNTY? IS THIS A PHENOMENAL THING THAT
22 YOU THINK JUST EXISTS IN L.A. COUNTY OR SOMETHING THAT YOU THINK
23 MIGHT BE GENERALIZABLE TO OTHER AREAS?

24 MR. PARACHINI: MY SUSPICION WOULD BE THAT YOU WOULD FIND,
25 MORE OR LESS, THE SAME PHENOMENON ANYWHERE YOU HAVE A GANG

1 INJUNCTION.

2 THE REASON THAT WE WERE ABLE TO DO THE STUDY WE
3 DID -- THERE ARE SEVERAL REASONS:

4 ONE IS, WE CHOSE BLYTHE STREET BOTH BECAUSE IT
5 WAS SO WELL KNOWN AND BECAUSE IT OCCURRED FOUR YEARS AGO. THAT
6 GAVE US WHAT WE THOUGHT WAS A WINDOW OF TIME, AFTER THE
7 INJUNCTION, TO LOOK STATISTICALLY AT WHAT HAPPENED TO THE
8 VARIABLES THAT WE WANTED TO EXAMINE. THAT HAS NOT BEEN THE CASE
9 IN ANY OF THE OTHER INJUNCTIONS. THE ONLY OTHER INJUNCTION THAT
10 WOULD POSSIBLY HAVE FIT THIS TIME CRITERIA WOULD BE THE PLAYBOY
11 GANGSTER CRIPS CASE, WHICH WAS 1987. WE THOUGHT THAT WAS A
12 LITTLE STALE.

13 THE WESTMINSTER INJUNCTION NEVER ACTUALLY WENT
14 INTO EFFECT; OR IF IT WAS IN EFFECT, WAS ONLY IN EFFECT FOR A
15 BRIEF PERIOD OF TIME. SO, THAT'S NOT SOMETHING THAT WE COULD
16 LOOK AT.

17 THE OTHER ONES ARE MUCH MORE CURRENT THAN THAT.
18 THE ONE THAT'S BEING LITIGATED RIGHT NOW, 18TH STREET IN LOS
19 ANGELES, THAT RULING HAS NOT EVEN COME DOWN FROM THE COURT,
20 THOUGH IT'S EXPECTED TO DO SO VERY SHORTLY.

21 I THINK, BASED ON WHAT I KNOW ABOUT THE ACUNA
22 CASE IN SAN JOSE, WHERE ONE OF THE PEOPLE INVOLVED IN THAT
23 INJUNCTION WAS THERE BY MISTAKE, I THINK YOU WOULD PROBABLY FIND
24 PRECISELY THE SAME EFFECT THAT YOU SAW IN BLYTHE STREET.
25 THAT'S -- THAT IS SPECULATIVE, AND IT'S NOTHING MORE THAN THAT

1 BECAUSE WE DIDN'T STUDY ANY OF THE OTHER INJUNCTIONS.

2 IT WAS POSSIBLE TO DO WHAT WE DID IN BLYTHE
3 STREET BECAUSE OF THE STRUCTURE OF THE LOS ANGELES POLICE
4 DEPARTMENT; AND BECAUSE THE L.A.P.D., AS MANY SHOTS AS WE TAKE AT
5 THEM, DOES HAVE A REASONABLY COMPETENT STATISTICS AND
6 DATA-GATHERING CAPABILITY. AND WE HAD SOME CONFIDENCE THAT IF WE
7 ASKED THEM TO BREAK DOWN BY MINUTE PARTS OF NEIGHBORHOODS, WHICH
8 THEY'RE CAPABLE OF DOING, THAT -- THE FIGURES WE WERE LOOKING
9 FOR, THEY COULD DO IT AND WE COULD RELY ON WHAT THEY GAVE US, AND
10 WE DID THAT.

11 NOW, AS TO WHAT DO I THINK IS BEHIND THE
12 INCREASES THAT WE SAW; I THINK I CAN EXPLAIN THE NEIGHBORHOOD
13 PANORAMA CITY-WIDE PHENOMENON OF CRIME GOING UP, AND I THINK I
14 CAN EXPLAIN WHY IT JUMPED UP IN THE ROSCOE BOULEVARD STRIP OF
15 FOUR REPORTING DISTRICTS JUST NORTH OF BLYTHE STREET.

16 MY EXPLANATION IS THAT WE HAD BEEN CONCERNED
17 WHEN -- THE FIRST TIME WE HEARD ABOUT INJUNCTIONS, THAT ONE OF
18 THE THINGS THAT WOULD HAPPEN -- PARTICULARLY SINCE DRUG CRIME
19 RELATES TO AND RESULTS FROM COMMERCE IN DRUGS -- ITS RETAIL SALES
20 OF A COMMODITY TO CONSUMERS ON THE STREETS. AND IF I'M IN THE
21 BUSINESS OF SELLING A PRODUCT AT THE RETAIL LEVEL, AND SOMEBODY
22 DOES SOMETHING TO ME THAT MAKES IT MUCH MORE DIFFICULT FOR ME TO
23 SELL THAT PRODUCT WHERE I HAVE MY STORE NOW, AND I -- MY
24 INCLINATION PROBABLY IS I'M GOING TO MOVE MY STORE. AND IF I
25 MOVE MY STORE, I MAY COME INTO A TERRITORY WHERE SOME OTHER

1 RETAILER IS SELLING THE SAME PRODUCT, HAS IDENTIFIED HIS
2 TERRITORY, HER TERRITORY.

3 SO, I THINK THAT SOME OF THIS CAN BE EXPLAINED
4 IN NEARBY NEIGHBORHOODS BY THE FACT THAT YOU WOULD HAVE A NATURAL
5 TENDENCY THAT PEOPLE INTERESTED IN ENGAGING IN CRIMINAL ACTIVITY,
6 MOVING ELSEWHERE TO DO IT AS A RESULT OF CLAMP DOWN IN A
7 NEIGHBORHOOD THAT YOU HAD BEEN ACCUSTOMED TO OPERATING IN. I
8 CANNOT EXPLAIN WHY WHAT WE SAW IN THE BLYTHE STREET NEIGHBORHOOD,
9 ITSELF, HAPPENED.

10 WE STILL THINK THAT ON BLYTHE STREET ITSELF,
11 WHICH IS A TWO-BLOCK STREET THAT RUNS WEST FROM VAN NUYS
12 BOULEVARD, WE STILL THINK -- NO MATTER WHAT OUR REPORT SAID --
13 THAT BLYTHE STREET ITSELF QUIETED DOWN AND REMAINS QUIET TO THIS
14 DAY. WE DID LOOK AT THE DISTRIBUTION OF VIOLENT CRIMES IN THAT
15 REPORTING DISTRICT THROUGH ALL OF 1993; AND IT'S CLEAR THAT WHAT
16 HAPPENED WAS THAT BLYTHE STREET PROBABLY WAS NEVER THE PROBLEM.
17 COMPARATIVELY SPEAKING, THE REAL VIOLENT CRIME PROBLEM IN THAT
18 SMALL PART OF PANORAMA CITY WAS A CORRIDOR FORMED BY VAN NUYS
19 BOULEVARD, A VERY BUSY COMMERCIAL STREET WITH LOTS AND LOTS OF
20 BUSINESSES ON IT.

21 AND SO, I THINK WHAT MAY HAVE HAPPENED, THOUGH
22 I HAVE TO SAY I AM PUZZLED BY WHAT HAPPENED IN REPORTING DISTRICT
23 925; THAT I THINK IT MAY BE THAT SO MUCH ATTENTION WAS FOCUSED ON
24 A VERY SMALL PART OF THAT DISTRICT, THAT WHAT HAPPENED WAS THE
25 FOCUS WAS LOST THAT SHOULD HAVE BEEN THERE; THAT THE -- WHAT WAS

1 AT STAKE, AND IS AT STAKE, IN BLYTHE STREET AND PANORAMA CITY IS
2 THE PEACE, STABILITY, AND SAFETY OF THE ENTIRE COMMUNITY, NOT
3 JUST ONE TWO-BLOCK STRETCH OF ONE STREET.

4 AND I THINK WE LOST SITE OF THAT IN THAT CASE,
5 AND I FEAR THAT WE LOSE SITE OF THAT EVERY TIME WE FOCUS ON A
6 GANG-DATABASE CASE; THAT WE SAY THAT THAT IS A NEIGHBORHOOD THAT
7 HAS SOME SPECIAL PROBLEM THAT HAS TO BE SPECIALLY PROTECTED. WE
8 THINK, IN GOOD FAITH, THAT WE'RE DOING THAT. ALL WE DO IS WE'RE
9 PUSHING ON THE BALLOON AND BUBBLES POP UP EVERYWHERE ELSE.

10 MR. CREW: I JUST WANTED TO -- BRIEFLY, ON THE INJUNCTION
11 ISSUE, BECAUSE I'VE SEEN IT MIS-REPORTED; AND IT'S BEEN
12 SOMEWHAT -- I DON'T THINK INTENTIONALLY -- MISCHARACTERIZED HERE.
13 TO QUOTE YOGI BERRA ON THE GANG-INJUNCTION ISSUES, "IT AIN'T OVER
14 TILL IT'S OVER."

15 THE CALIFORNIA SUPREME COURT RULED -- THIS IS
16 OUR CASE, THE ACLU OF NORTHERN CALIFORNIA. WITHIN THE LAST
17 MONTH, WE HAVE FILED OUR CERT PETITION WITH THE U.S. SUPREME
18 COURT. WE ARE CONFIDENT THEY WILL TAKE THIS CASE, AND WERE ARE
19 CONFIDENT THAT THIS DISASTROUS OPINION THAT MR. CONLEY QUOTED
20 ACCURATELY FROM WILL BE OVERTURNED. THAT ISSUE IS NOT OVER. THE
21 FEDERAL COURTS HAVE NOT YET RULED ON THE LEGALITY AND
22 CONSTITUTIONALITY OF THOSE ISSUES.

23 DR. HERNANDEZ: I'D LIKE TO --

24 MR. CONLEY: WITH RESPECT TO WESTMINSTER --

25 DR. HERNANDEZ: PLEASE.

1 MR. CONLEY: -- I THINK YOU -- CHIEF COOK WILL BE HERE THIS
2 AFTERNOON. I THINK YOU WILL FEEL IT WAS EFFECTIVE IN THE SHORT
3 PERIOD OF TIME IT WAS IN EFFECT.

4 DR. HERNANDEZ: WELL, I'D LIKE TO THANK THE PANEL FOR ALL OF
5 THE INFORMATION THAT YOU PROVIDED THE COMMITTEE.

6 I'D LIKE TO CALL THE ADVISORY COMMITTEE IN TO
7 RECESS UNTIL 1:00 O'CLOCK.

8 THANK YOU VERY MUCH.

9 (A LUNCH RECESS WAS TAKEN, 12:10 P.M.)

10 (BACK ON THE RECORD, 1:15 P.M.)

11 DR. HERNANDEZ: GOOD AFTERNOON. I'D LIKE TO CALL THIS
12 AFTERNOON'S SESSION TO ORDER.

13 JUST SO THAT PEOPLE IN THE AUDIENCE CAN
14 ACQUAINT THEMSELVES WITH THE MEMBERS OF THE PANEL, I'D LIKE TO
15 JUST ASK EACH PANEL MEMBER TO IDENTIFY THEMSELVES, ONCE AGAIN,
16 PLEASE.

17 DR. ERLER: EDWARD ERLER.

18 MS. BUITRAGO: LUZ BUITRAGO.

19 DR. HERNANDEZ: FERNANDO HERNANDEZ. I'M THE CHAIR.

20 MS. OLSEN: AND SOCORRO OLSEN.

21 DR. HERNANDEZ: THE NEXT PANEL, PANEL TWO, IS THE COMMUNITY
22 ORGANIZATION PANEL; AND FOR THE RECORD, I WOULD LIKE EVERY MEMBER
23 OF THE PANEL, IF THEY COULD, STARTING ON MY LEFT, TO IDENTIFY
24 THEMSELVES FOR THE RECORD, PLEASE.

25 MR. LOPEZ: I'M DR. MARK R. LOPEZ FROM SCHOOL WATCH/SENTRY.

1 MR. MENDOZA: MY NAME IS ROBERT G. MENDOZA. I'M AN ATTORNEY
2 IN HUNTINGTON BEACH.

3 MR. MASSEY: I'M CLARENCE MASSEY, AND I HEAD UP THE LEGAL
4 REDRESS COMMITTEE, THE ORANGE COUNTY NAACP.

5 MS. CASTRO: JESSICA CASTRO, CHAIRPERSON FOR UNITED
6 NEIGHBORS.

7 MS. INOUE: MY NAME IS NICOLE INOUE, AND I'M THE CHAIR OF
8 THE UC IRVINE STUDENTS.

9 MR. TSANG: I'M DAN TSANG, AND I'M THE CO-FOUNDER OF
10 ALLIANCE.

11 DR. HERNANDEZ: WE HAD SOMEONE ELSE JOIN US.

12 MS. WILLIAMS: I'M ANN MARIE WILLIAMS, LEGAL REDRESS
13 COMMITTEE, NAACP.

14 DR. HERNANDEZ: AND WE ALSO HAD ONE MEMBER OF THE ADVISORY
15 COMMITTEE JUST JOIN US NOW. WOULD YOU, PLEASE, IDENTIFY
16 YOURSELF.

17 MS. FUA: ROSE BOON FUA.

18 DR. HERNANDEZ: FOR THE RECORD, LET ME BEGIN WITH -- WE'LL
19 GO IN THE ORDER THAT WE HAVE IT ON THE AGENDA, AND WHAT WE ARE
20 GOING TO DO IS GIVE EACH MEMBER OF THE PANEL SOMEWHERE AROUND
21 SEVEN TO TEN MINUTES.

22 NOW, WE'RE GOING TO TRY AND DO -- AND I KNOW
23 BECAUSE SO MANY PEOPLE ARE ON THE PANEL, I'D JUST LIKE TO ASK
24 EACH MEMBER OF THE PANEL TO BE AS SUCCINCT AS POSSIBLE, SO THAT
25 THE COMMITTEE MIGHT HAVE SOME TIME TO ASK QUESTIONS. SO, IF YOU

1 COULD JUST KIND OF GIVE US A VERY SUCCINCT STATEMENT, AND WE CAN
2 EXPLORE SOME OF THE ISSUES YOU BROUGHT UP IN FURTHER QUESTIONING.

3 JESSICA CASTRO, CHAIRPERSON OF UNITED
4 NEIGHBORHOODS, WOULD YOU PLEASE BEGIN.

5 MS. CASTRO: GOOD AFTERNOON. WE ARE HERE AS A COMMUNITY
6 COMING FORWARD TO STAND AGAINST THE MENTALITY THAT IT'S OKAY FOR
7 POLICE OFFICERS THAT ARE SWORN TO UPHOLD THE LAW TO VIOLATE THE
8 CIVIL RIGHTS, DISCRIMINATE, ABUSE, AND USE EXCESSIVE FORCE. OUR
9 COMMUNITY, OUR YOUTH, OUR CHILDREN ARE BEING HELD UNDER A SIEGE
10 OF FEAR BY VALID PERSONS THAT ARE ENTRUSTED TO SAFEGUARD AND
11 PROTECT US.

12 WHEN AN OFFICER OF THE LAW FEELS HE IS ABOVE
13 THE LAW AND ENTERS A HOME WITHOUT A SEARCH WARRANT, NOT IN
14 PURSUIT OF A SUSPECT BUT SIMPLY BECAUSE HE FELT LIKE IT; WHEN A
15 YOUTH IS FEARFUL EVERY TIME HE LEAVES HIS HOME BECAUSE OF THE
16 VERY REAL PROBABILITY OF BEING DETAINED, QUESTIONED, HARASSED,
17 SEARCHED, PHOTOGRAPHED, AND MISLABELED AS A GANG MEMBER; WHEN A
18 VICTIM OF POLICE ABUSE IS AFRAID TO REPORT THE CRIME BECAUSE OF
19 FEAR OF RETALIATION, INTIMIDATION, AND CONTINUED ABUSE; WHEN
20 OFFICERS HIGH-FIVE, ESPECIALLY AFTER BRUTALLY BEATING A YOUTH,
21 THAT IS WHEN IT IS TIME FOR ALL PEOPLE AND EVERY COMMUNITY TO
22 STAND TOGETHER AND SAY THIS BEHAVIOR WILL NOT BE TOLERATED.

23 THE ANAHEIM POLICE DEPARTMENT HAS CONSISTENTLY
24 DENIED ANY KNOWLEDGE OF WRONGDOING. THEY HAVE REFUSED TO TAKE
25 RESPONSIBILITY FOR THEIR ACTIONS. I PRESENT TWO DEPOSITIONS OF

1 TWO MINORS, WHO SHALL REMAIN NAMELESS. TWO SWORN DEPOSITIONS;
2 AND I'D LIKE TO READ FROM ONE.

3 "YOU KNOW, THEY HAD, YOU KNOW, AFTER A -- LIKE,
4 20 SECONDS OF STRIKING ON ME, YOU KNOW, OFFICER CALLEY,
5 [PHONETIC], PICKED UP A BLANKET, YOU KNOW, THAT WAS ON THE ROOF
6 AND HE -- YOU KNOW, HE HAD THREW IT OVER ME LIKE I WAS DEAD, YOU
7 KNOW, SAYING TO ME, YEAH, YOU KNOW, I WISH YOU WERE DEAD. YOU
8 KNOW, HE TOLD ME THAT I HAD TOLD HIM, WELL, YOU KNOW, WHY DON'T
9 YOU JUST KILL ME. YOU KNOW WHAT I MEAN? I TOLD HIM JUST LIKE
10 THAT, WHY DON'T YOU JUST KILL ME; AND YOU KNOW, YOU GUYS ALREADY
11 BEAT ME UP, YOU KNOW, FOR NO REASON. AND THEN, YOU KNOW, THEY
12 STARTED -- YOU KNOW, I HAD THE BLANKET ON LIKE, YOU KNOW, COVERED
13 ALL OVER MY BODY, YOU KNOW. THEY STARTED, YOU KNOW, TO
14 CELEBRATE, GIVING EACH OTHER HIGH-FIVES. 'YEAH, TODAY IS OUR
15 NIGHT.' YOU KNOW, AND THEN, THEY HAD TOOK ALL -- THEY HAD TOOK
16 OFF THE BLANKET. THEY HAD TOOK OFF MY SHOES, MY SHINERS, YOU
17 KNOW. I HAD SOME IMPERIALS, AND THEY HAD TOOK THEM OFF; AND HE
18 GOES, 'I'D BEEN WANTING TO DO THIS FOR A LONG TIME,' AND HE JUST
19 GOT MY SHOES AND FLIPPED THEM OVER ON THE ROOF, YOU KNOW, ON THE
20 ROCKS. AND HE STARTED STEPPING ON THEM, YOU KNOW, SCRATCHING
21 THEM."

22 THIS IS TESTIMONY OF ONE YOUTH. THIS IS ONLY
23 AN EXAMPLE OF THE WAY THE POLICE TREAT THE MINORITIES IN OUR
24 COMMUNITIES, AND WE WILL NOT STAND FOR IT. SIMPLY BECAUSE OF THE
25 WAY THEY'RE DRESSED, SIMPLY BECAUSE OF THEIR COLOR, SIMPLY

1 BECAUSE OF THE ECONOMIC SITUATION WHICH CONFINES THEM TO LIVE IN
2 CERTAIN COMMUNITIES, THEY ARE LABELED AS GANG MEMBERS; THEY ARE
3 PHOTOGRAPHED; THEY ARE BEATEN.

4 FOR ALMOST FOUR YEARS, THE ANAHEIM POLICE
5 DEPARTMENT HAS HAD KNOWLEDGE OF THOSE TWO BRUTAL BEATINGS THAT
6 ARE OUTLINED IN THESE DEPOSITIONS. YET, ANAHEIM HAS TESTIFIED ON
7 THE WITNESS STAND THAT THERE WAS NO EXCESSIVE FORCE. OFFICER
8 JOHN CALLEY AND CRAIG HUNTER, WHICH ARE THE TWO OFFICERS CHARGED
9 WITH THESE BEATINGS, WERE QUOTED IN THE TRANSCRIPT AS SAYING,
10 "I'VE BEEN WAITING TO DO THIS FOR A LONG TIME," WHICH SHOWS
11 PREMEDITATION.

12 UNDER ANY -- ANY CITIZEN UNDER THE LAW OF A
13 BRUTAL BEATING AS THIS ONE, THAT IS OUTLINED IN THESE
14 DEPOSITIONS, WOULD HAVE BEEN CRIMINALLY CHARGED IN THE CITY OF
15 ANAHEIM. OFFICER HUNTER HAS BEEN PROMOTED TO INTERNAL
16 INVESTIGATIONS, AND OFFICER CALLEY IS THE HEAD -- OR EXCUSE ME,
17 THE SERGEANT IN CHARGE OF THE GANG DETAIL.

18 THOSE ARE THE PEOPLE THAT WE ARE TO TELL OUR
19 YOUTH THAT ARE THERE TO PROTECT AND SERVE. THESE ARE THE PEOPLE
20 THAT WE ARE GIVING THE JOB OF PROTECTING OUR COMMUNITY, AND THIS
21 IS HOW THEY ARE PUNISHED FOR BRUTALITY, BY BEING PROMOTED.

22 ON THE OTHER HAND, WE HAVE OFFICER STEVE NOLAN,
23 AN ANAHEIM POLICE OFFICER WHO WITNESSED THESE TWO BEATINGS, CAME
24 FORWARD, LOST HIS JOB, AND WAS OSTRACIZED BY THE POLICE
25 DEPARTMENT.

1 AS A MEMBER OF THE COMMUNITY, I SEE THAT THIS
2 IS COMPLETELY SLANTED; THAT THERE IS NO POSSIBLE MEANS OF
3 JUSTIFYING THE BEHAVIOR OF THESE OFFICERS. THERE IS NO
4 ACCOUNTABILITY. THERE IS NO REASON FOR THEM TO NOT CONDUCT
5 THEMSELVES IN THE MANNER THAT THEY HAVE. THERE IS NO FEAR OF A
6 HIGHER UP, POSSIBLY A CHIEF, MAKING THEM RESPONSIBLE OR
7 ACCOUNTABLE FOR THEIR ACTIONS. SO, THE COMMUNITY HAS COME
8 FORWARD TO DO THAT.

9 THE COMMUNITY HAS COME FORWARD TO CALL FOR A
10 CITIZENS' POLICE-COMMUNITY REVIEW BOARD, WHICH WOULD TAKE CHARGE
11 OF VIOLATIONS LIKE THESE WITH SUBPOENA POWERS AND CONDUCT OUTSIDE
12 INVESTIGATIONS. WE FEEL THAT IS THE ONLY WAY THE COMMUNITY CAN
13 HAVE A TRUE VOICE. WE FEEL THAT, OBVIOUSLY, THE ANAHEIM POLICE
14 DEPARTMENT HAS FAILED TO BE ACCOUNTABLE, NOT ONLY IN ONE
15 INSTANCE, BUT IN MANY.

16 AND WE ONLY USE THIS ONE AS AN EXAMPLE, BECAUSE
17 OF THE BLATANT-NESS, (SIC); AND I THANK YOU FOR YOUR TIME.

18 DR. HERNANDEZ: THANK YOU VERY MUCH, MISS CASTRO.

19 MR. LOPEZ?

20 MR. LOPEZ: MY NAME IS DR. MARK LOPEZ FROM SCHOOL
21 WATCH/SENTRY. SCHOOL WATCH/SENTRY IS CALIFORNIA'S LARGEST
22 CHILDREN'S EDUCATIONAL AND CIVIL RIGHTS FOUNDATION, DEALING WITH
23 QUESTIONS OF DISCIPLINE, SPECIAL EDUCATION, AND PLACEMENT
24 K THROUGH 12.

25 WHEN I WAS ASKED TO SPEAK ON THIS PANEL, A

1 NUMBER OF THINGS WENT THROUGH SCHOOL WATCH/SENTRY. MISS FOUTS,
2 WHO'S HERE TODAY -- ALL OF OUR QUESTIONS WENT TO ONE THING: IF,
3 IN FACT, YOU ASK A COMMUNITY TO SUPPORT THE POLICE IN ANY
4 COMMUNITY -- AND I SHOULD SAY THIS AS A PREPARATORY STATEMENT:
5 MY MOTHER AND FATHER ARE 30-YEAR RETIRED L.A.P.D. OFFICERS, AND
6 MY BROTHER AND SISTER ARE L.A.P.D. OFFICERS TODAY.

7 SO, WHEN YOU ASK A COMMUNITY TO SUPPORT THE
8 POLICE, YOU HAVE TO ASK THEM TO MONITOR THE SITUATION IN A
9 COMMUNITY AS FAIRLY AS IT CAN; BUT ALSO, IF IN FACT THERE ARE
10 POLICE ABUSES, THE POLICE SHOULD, IN FACT, COME FORWARD
11 TRUTHFULLY AND SAY, "WE MIGHT HAVE MADE A MISTAKE AT SOME POINT
12 IN TIME." AND WE BELIEVE THAT COMMUNITY POLICING AND TARGET
13 GROUPS AND POLICE ON CAMPUS THAT WE HAVE AS A COMMUNITY WILL
14 SOLVE THOSE PROBLEMS. THAT IS THE RATIONALE.

15 AS REASONABLE PEOPLE IN SCHOOL WATCH/SENTRY, WE
16 HAVE DEALT WITH 450 CASES THROUGHOUT CALIFORNIA -- NOT LOCATED IN
17 JUST ORANGE COUNTY, BUT THROUGHOUT CALIFORNIA. IN THE PACKET I
18 GAVE TO YOU TODAY, WE PICKED THREE OF THOSE CASES. IN OUTLINING
19 THOSE THREE CASES, WE PICKED THEM FOR A NUMBER OF REASONS: ONE,
20 SPECIFICALLY, BECAUSE OF THE COMMUNITY-POLICE RELATIONS THAT THE
21 DISCUSSION IS ABOUT TODAY; BUT ALSO, THE ELEMENT OF GANGS.

22 IN THE FIRST CASE, THREE YOUNG HISPANIC MEN
23 CAME TO THE DEFENSE OF A LEBANESE YOUNG MAN WHO WAS BEING
24 ASSAULTED AT CAPISTRANO VALLEY HIGH SCHOOL. THEY DID WHAT
25 ANYBODY IN OUR COMMUNITY WOULD DO. YES, THEY USED PROFANITY.

1 DID THEY STEP IN HIS SHOES AND SAY, "YOU CANNOT DO THIS TO HIM.
2 YOU DON'T KNOW THE WHOLE FACTS"? THEY DID THAT.

3 WHEN YOU LOOK AT THE REPORT OF THE OFFENSE,
4 THESE STUDENTS WERE CHARGED WITH ATTEMPTING TO CAUSE PHYSICAL
5 HARM TO DISTRICT EMPLOYEES, SECTION 48900 OF THE EDUCATION CODE.
6 THESE STUDENTS WERE BROUGHT BEFORE AN ADMINISTRATED LAW PANEL,
7 AND EVERY ONE OF THE CASES FOUND THE STUDENTS DID NOT COMMIT THE
8 OFFENSE.

9 AS ANYONE IS TAUGHT IN ANY COMMUNITY, YOU STAND
10 UP FOR YOUR PEOPLE NO MATTER WHAT THEY HAVE DONE; AND IF THERE'S
11 AN INJUSTICE, THEN YOU MUST LOUDLY SAY, "THERE'S AN INJUSTICE."
12 WHAT HAPPENED TO THESE THREE YOUNG MEN IS A CREATURE THAT, FOR
13 ORANGE COUNTY, THEY REALLY HAVE TO LOOK AT AND DEAL WITH; THESE
14 YOUNG MEN WERE PUT IN THE JUVENILE JUSTICE SYSTEM AND GIVEN GANG
15 TERMS. FOR THESE YOUNG MEN NOT TO HAVE COMMITTED THE OFFENSE
16 BECAUSE THEY WERE HISPANIC. I THOROUGHLY BELIEVE THAT DENOTES
17 GANG ACTIVITY.

18 WELL, IF YOU HAVE AN ADMINISTRATIVE LAW PANEL
19 THAT SAYS THE YOUNG MEN DIDN'T COMMIT THE OFFENSE, WHY DIDN'T THE
20 SCHOOL DISTRICT COME FORWARD TO SPEAK FOR THEM LIKE THE YOUNG MEN
21 SPOKE FOR ANOTHER YOUNG MAN? WHY DIDN'T THE ORANGE COUNTY
22 DISTRICT ATTORNEY'S OFFICE, WHO WAS SO BENT ON PUTTING THE GANG
23 TERMS ON THOSE YOUNG MEN -- WHY DIDN'T THEY LOOK AT THE PACKET?
24 THEY MAY SAY, "YOU DIDN'T SUBMIT THAT, DR. LOPEZ." THAT IS
25 INCORRECT. WE GAVE THEM ALL THOSE FACTS. THE PROBLEM YOU HAVE

1 IS THE MESH OF LAW ENFORCEMENT AND EDUCATIONAL ADMINISTRATORS ON
2 CAMPUSES IN CALIFORNIA TODAY.

3 SCHOOL WATCH/SENTRY, AND MANY OF THE COMMUNITY
4 LEADERS HERE, ARE ANTI-GANG, DRUG AND VIOLENCE. THERE IS NOT ONE
5 PERSON IN THIS AUDIENCE THAT ISN'T FOR SAFE SCHOOLS.
6 UNFORTUNATELY, THE SAFE-SCHOOL PROBLEM IS NOW BEING EXACERBATED
7 BY POLICE OFFICERS.

8 THIS IS CASE TWO AND THREE. WE HAVE
9 SPECIFICALLY POINTED OUT THE ANAHEIM UNION HIGH SCHOOL DISTRICT
10 AND THE GANG UNIT FROM ANAHEIM HIGH SCHOOL, SPECIFICALLY
11 MIKE AQUINO AND SCOTT MCMANUS AS INDIVIDUALS WHO HAVE NO REGARD
12 FOR CHILDREN'S RIGHTS ON CAMPUS.

13 FEBRUARY 28TH, THERE WAS AN INCIDENT THAT
14 HAPPENED IN THE COMMUNITY OF ANAHEIM, WHERE 18 CHILDREN WERE
15 TAKEN BACK TO ANAHEIM HIGH SCHOOL, INTERROGATED BY THESE OFFICERS
16 UNDER THE AUSPICES OF, "WE THOUGHT THERE WAS GANG ACTIVITY AT THE
17 HOUSE." WHY, WAS THERE A PROBLEM AT THE HOUSE? WE WILL TELL
18 YOU, THERE WAS. THERE WAS ALCOHOL BEING CONSUMED, AND I BELIEVE
19 THOSE OFFICERS HAVE THE RIGHT TO TAKE CHILDREN AND MAKE THEM
20 SAFE. WHAT CAME NEXT IS ABHORRENT IN EDUCATIONAL CODE SECTIONS
21 THAT ARE OPERATED UNDER ADMINISTRATIVE LAW IN THE STATE OF
22 CALIFORNIA.

23 OFFICER AQUINO, TIME AFTER TIME AFTER TIME, IN
24 CASE TWO, THAT WENT FROM APRIL 28TH, 1997, TO MARCH THE 31ST OF
25 THIS YEAR, SHOUTED DOWN PARENTS AND SAID, "YOU HAVE NO RIGHTS.

1 SHUT UP. IF YOU SAY ANOTHER WORD, WE WILL ARREST YOU." WELL,
2 THEY DID ARREST TWO YOUNG MEN AFTER THEY TESTIFIED AT AN
3 ADMINISTRATIVE LAW HEARING, THAT THEY BELIEVED THEY WERE
4 TESTIFYING TO AN EXPULSION-SUSPENSION OFFENSE. THOSE TWO YOUNG
5 MEN ARE STILL IN JUVENILE HALL RIGHT BY US, DOWN THE WAY HERE.
6 THAT'S CASE TWO.

7 IN CASE THREE, AGAIN, THE ANAHEIM POLICE
8 DEPARTMENT. WE HAVE ALREADY STATED THAT WE ARE FOR SAFE SCHOOLS,
9 BUT I NEED SOMEONE TO TELL THE COMMUNITY WHAT GIVES THE POLICE
10 THE RIGHT TO PHOTOGRAPH MINORS ON A PUBLIC SCHOOL CAMPUS IN THE
11 STATE OF CALIFORNIA WHEN THE MINOR HAS NOT BEEN TOLD THAT THEY
12 ARE UNDER INVESTIGATION FOR AN EDUCATION CODE SECTION 48900,
13 EXPERIENCING SUSPENSION, EXPULSION, OR JUVENILE JUSTICE OFFENSES
14 UNDER THE PENAL CODE. THAT IS THE INJUSTICE, IF ANYONE WANTS TO
15 KNOW. WHY DON'T WE HAVE TO SUPPORT THESE POLICE OFFICERS WHEN
16 THE POLICE OFFICERS DON'T SUPPORT THE LAW MANY TIMES.

17 IN THE PRESS CONFERENCE OUTSIDE, WE HEARD THAT
18 NOBODY'S ABOVE THE LAW AND NOBODY'S BELOW THE LAW. THE PROBLEM
19 IS, POLICE OFFICERS OF THE STATE OF CALIFORNIA HAVE TAKE AN OATH
20 TO DEFEND THE CONSTITUTION OF ALL MEN, FOREIGN AND DOMESTIC.

21 UNFORTUNATELY, WE'VE ONLY PRESENTED THREE CASES
22 BECAUSE WE WERE ASKED TO BE BRIEF; BUT THE IMPACT OF CASES, WHEN
23 YOU TAKE A PICTURE OF A YOUNG WOMAN ON A CALIFORNIA CAMPUS WHO'S
24 UNDER THE AGE OF 18 AND SAY, "I DON'T CARE ABOUT YOUR RIGHTS.
25 WE'RE TAKING YOUR PICTURE"; THAT PICTURE AND HER POSSESSIONS WERE

1 PASSED ON TO ANOTHER POLICE DEPARTMENT. THIS IS AN ILLEGAL
2 SEARCH. THEY VIOLATED HER FOURTH, FIFTH, SIXTH, AND 14TH DUE
3 PROCESS CLAUSE UNDER THE 14TH AMENDMENT. CLEAR VIOLATIONS.

4 WHEN HER MOTHER PROTESTED AFTER COMING TO THE
5 SCENE, SHE WAS TOLD BY OFFICER SCOTT MCMANUS, "SHUT UP. I DON'T
6 HAVE TO MERANDIZE HER. I'M GOING TO TAKE THE PICTURE ANYWAY; AND
7 IF I CAN'T DO THAT, I'M GOING TO ARREST HER."

8 NOW, MANY PEOPLE WILL SAY -- AND I NOTICE MANY
9 LAW ENFORCEMENT PERSONNEL HERE TODAY, FROM TESTIFYING BEFORE THE
10 CALIFORNIA STATE LEGISLATIVE ABOUT DAYTIME CURFEW; AND I HEARD
11 MANY OF THOSE COMMENTS FROM THESE SAME OFFICERS AND SAME DISTRICT
12 ATTORNEYS ABOUT HOW DAYTIME CURFEW IS THE MAGIC PILL TO QUELL ALL
13 TYPES OF SCHOOL-AGE VIOLENCE.

14 THE PROBLEM IS, WHEN YOU LOOK AT THE ANAHEIM
15 POLICE DEPARTMENT CORRESPONDENCE THAT WE GAVE YOU, IN CONFIDENCE,
16 OFFICER SCOTT MCMANUS NEVER SAID IN HIS REPORT WHY HE CAME ON
17 CAMPUS. HE SAYS IT'S A 415 INVESTIGATION. IF THAT IS, IN FACT,
18 TRUE, AND THIS YOUNG WOMAN HAD NO RIGHT TO LEAVE THAT OFFICE,
19 THAT IS THE FUNCTIONAL EQUIVALENT OF CUSTODIAL INTERROGATION, AND
20 SHE SHOULD HAVE BEEN MERANDIZED. THAT DID NOT HAPPEN. THEY USED
21 THE EVIDENCE THEY FOUND ON HER, WHICH THEY BELIEVE WAS HARD
22 EVIDENCE, TO MAKE HER A GANG ASSOCIATE NOW.

23 NOW, IF WE CAN NOT EVEN PROTECT OUR CHILDREN ON
24 CAMPUS ON PUBLIC SCHOOLS, AS TAXPAYERS, WITH PEOPLE WE PAY MONEY
25 TO, OUR POLICE OFFICERS, WHAT THEN DO YOU TELL THE CHILDREN IN

1 K THROUGH 3? "DON'T WORRY ABOUT IT. IF THE POLICEMAN WANTS TO
2 TAKE YOUR PICTURE, GO AHEAD AND LET HIM?" I SAY, "NO." I
3 REFUSE, AS A PARENT, TO BELIEVE THAT. OUR CHILDREN SHOULD BE
4 PROTECTED AT ALL TIMES. THEY SHOULD RESPECT THE POLICE; BUT IN
5 DOING THAT, THERE HAS TO BE A MUTUAL RESPECT.

6 SO, THAT GOES BACK AND FORTH. ONE, TWO, AND
7 THREE CASES DEAL WITH HISPANIC YOUNG WOMEN, AND ALSO CAUCASIAN
8 MINORS, THAT POLICE HAVE TAKEN UPON THEMSELVES TO DENOTE AS
9 TROUBLE MAKERS AND GANG MEMBERS. TWO OF THESE PEOPLE WERE
10 NATIONAL HONOR SOCIETY PEOPLE. DID THEY MAKE A MISTAKE ONE DAY?
11 YES, THEY DID. ARE THEY GANG MEMBERS? I DO NOT THINK SO;
12 BECAUSE IF, IN FACT, YOU TAKE PEOPLE WHO GO TO SCHOOL AND WORK
13 AND SAY, FOR ONE INCIDENT BECAUSE YOU'RE DRESSED A CERTAIN WAY OR
14 WE PUT YOU UNDER A SIGN THAT SAYS, "LA JOLLA," THAT YOU'RE A GANG
15 MEMBER; EVERYBODY HERE WHO ARE PEOPLE OF COLOR, EVEN CAUCASIAN
16 PEOPLE, STANDING ANYWHERE, THEY TOO ARE GANG MEMBERS.

17 THEN, I TELL YOU, NOW, WHAT'S A GANG MEMBER?
18 PEOPLE WHO GET TOGETHER, LIKE YOU ARE HERE TODAY, FOR ONE
19 PURPOSE; AND THEY'RE GOING TO CALL YOU "GANG MEMBERS," TOO.

20 THAT'S NOT THE WAY OR SOCIETY MEANT FOR THINGS
21 TO BE. OUR CONSTITUTION PROTECTS EVERYBODY EQUALLY; AND WHEN IT
22 DOESN'T, THERE'S SOMETHING WRONG WITH THOSE PEOPLE THAT ARE
23 APPLYING THE CONSTITUTION. THANK YOU.

24 DR. HERNANDEZ: THANK YOU VERY MUCH. MR. MENDOZA?

25 MR. MENDOZA: LADIES AND GENTLEMEN OF THE PANEL, GOOD

1 AFTERNOON.

2 MY NAME IS ROBERT MENDOZA. I'M AN ATTORNEY IN
3 HUNTINGTON BEACH WHO HAS ASSOCIATED WITH THE UNITED NEIGHBORHOODS
4 WITHIN THE LAST SIX MONTHS -- OR FOR THE PAST SIX MONTHS, AND
5 HAVE ATTEMPTED TO AID THEM IN THE PROBLEMS INVOLVING THE
6 COMMUNITY AND THE POLICE, THE ANAHEIM P.D., SPECIFICALLY.

7 WHAT I WANT TO DO IS PRESENT TO YOU TWO
8 DIFFERENT SUBJECTS: ONE OF THEM WILL BE THE INDISCRIMINATE
9 PHOTOGRAPHING OF MINORS BY THE ANAHEIM POLICE DEPARTMENT, AND THE
10 OTHER WILL BE, TIME PERMITTING, THE PLIGHT OF ONE PARTICULAR
11 YOUTH BY THE NAME OF GARY BRADFORD, WHO IS CONSIDERED TO BE ON
12 GANG TERMS BY THE ANAHEIM P.D.

13 AND I WANT TO DO IT THIS WAY FOR TWO REASONS:
14 ONE REASON IS THAT, ALTHOUGH THERE ARE A NUMBER OF INDIVIDUALS
15 OUT THERE, A NUMBER OF YOUTHS, MOST OF THEM ARE AFRAID OF
16 RETALIATION IF THEY COOPERATE WITH ME OR WITH THE ORGANIZATION.
17 THE SECOND REASON IS TO GIVE THE PRESENTATION A KIND OF A
18 PERSONAL APPROACH, WHICH I THINK THOSE OF YOU WHO HAVE MINORS AND
19 KIDS MIGHT BE ABLE TO RELATE TO.

20 SO, THE FIRST IS REGARDING THE PHOTOGRAPHING OF
21 THE JUVENILES AND VIDEOTAPING BY THE ANAHEIM GANG DETAIL. THE
22 CASE EXAMPLE I'M USING IS A YOUTH BY THE NAME OF CLAUDIO CEJA,
23 C-E-J-A. CLAUDIO'S A 15-YEAR-OLD RESIDING IN ANAHEIM. HE IS A
24 SOPHOMORE AT LOARA HIGH SCHOOL, LIVED IN ANAHEIM APPROXIMATELY
25 SEVEN OR EIGHT YEARS. HE'S BEEN PHOTOGRAPHED MORE THAN THREE

1 TIMES, APPROXIMATELY FOUR, BY THE ANAHEIM POLICE DEPARTMENT GANG
2 DETAIL.

3 HE'S DESCRIBED THE PROCEDURE TO ME, AND I WANT
4 YOU TO PLUG INTO THIS IF YOU CAN: THE GANG DETAIL STOPS HIM WHEN
5 HE'S ON THE STREET, AND THEY ASK FOR IDENTIFICATION. NO CAUSE,
6 NO REASON. THEY, THEN, TAKE HIS NAME, BUT DO NOT TELL HIM WHY HE
7 IS BEING STOPPED.

8 THEN, IN THE COURSE OF DETAINING HIM, WHEN THEY
9 HAPPEN TO STOP ANOTHER JUVENILE IN THE IMMEDIATE AREA, THE GANG
10 DETAIL ORDERS CLAUDIO TO SIT DOWN ON THE GROUND AND NOT LEAVE OR
11 MOVE WHILE THE OFFICER SUMMONS THE OTHER JUVENILE AND DETAINS
12 HIM. AFTER THE OFFICER DETAINS THE SECOND JUVENILE, THE OFFICER
13 THEN RETURNS TO CLAUDIO AND LEADS HIM TO A NEARBY AREA TO HAVE
14 HIS PHOTOGRAPH TAKEN. AGAIN, HE'S NOT TOLD WHY, NOT GIVEN ANY
15 REASON.

16 THE DETAIL -- OR THE ANAHEIM POLICE DEPARTMENT
17 GANG DETAIL COMPELS THE PHOTOGRAPH. I MEAN, YOU HAVE A NUMBER OF
18 OFFICERS AROUND HIM USING THEIR COLOR OF AUTHORITY TO COMPEL HIM
19 TO HAVE HIS PHOTOGRAPH TAKEN. HE'S NOT INFORMED AS TO WHY HE'S
20 BEING PHOTOGRAPHED, AND A FRONT VIEW PHOTOGRAPH IS THEN TAKEN OF
21 CLAUDIO. HE'S RETURNED TO THE AREA WHERE HE'S INITIALLY DETAINED
22 BY THE GANG DETAIL, AND HE IS AGAIN ORDERED TO REMAIN THERE UNTIL
23 THE OFFICERS FINISH PHOTOGRAPHING THE OTHER JUVENILES THEY'VE
24 DETAINED WHILE -- OR AFTER THEY HAVE DETAINED HIM FIRST. AND IT
25 IS ONLY AT THIS TIME, AND AT THE OFFICERS' DISCRETION OR

1 PERMISSION, HE IS ALLOWED TO LEAVE.

2 NOW, ACCORDING TO CLAUDIO, ONE PARTICULAR SWEEP
3 OF THIS NATURE BY THE GANG DETAIL NETTED FOUR INDIVIDUALS WHO
4 WERE DETAINED AND PHOTOGRAPHED WITHOUT CONSENT. WHEN AN ATTEMPT
5 TO GET THE NAMES OF THESE INDIVIDUALS -- AND I DO BELIEVE THAT HE
6 KNEW THEM, ALTHOUGH I THINK HE WAS KIND OF RETICENT TO TELL ME
7 WHO THEY WERE -- HE JUST SAID, "NO. THEY'RE JUST TOO SCARED.
8 THEY FEAR THE GANG DETAIL. THEY'RE AFRAID OF WHAT MIGHT HAPPEN
9 TO THEM."

10 NOW, ACCORDING TO CLAUDIO, THE PHOTOGRAPHS,
11 THEN, ARE TAKEN, ARE PUT IN A FOUR-BY-FOUR BOOK AND KEPT BY THE
12 DEPARTMENT'S GANG DETAIL, APPARENTLY, INDEFINITELY; AND AS I
13 STATED, THERE ARE NUMEROUS OTHER EXAMPLES OF HISPANIC JUVENILES
14 WHO HAVE BEEN SUBJECTED TO THE SAME PROCEDURE, BUT UNLIKE
15 CLAUDIO -- WHO I THINK SHOWED A TREMENDOUS AMOUNT OF COURAGE JUST
16 TALKING TO ME -- THEY WILL NOT COME FORMED BECAUSE THEY FEAR
17 RETALIATION AS APPRAISAL BY THE DEPARTMENT.

18 WITH RESPECT TO THE VIDEOTAPING, I'VE BEEN
19 INFORMED THAT THE DEPARTMENT HAS HAD IN ITS POSSESSION, AT ONE
20 POINT IN TIME, A VIDEOTAPE, OKAY, WHICH WAS GENERATED AND
21 DISSEMINATED TO OTHER DEPARTMENTS IN THE ORANGE COUNTY AREA. THE
22 VIDEOTAPE WAS MADE WITHOUT THE PERMISSION OR CONSENT OF THE
23 INDIVIDUALS WHO WERE TAPED. IT IS CLEAR THAT THIS VIDEOTAPE HAS
24 BEEN SURROUNDED TO VARIOUS POLICE DEPARTMENTS AND REPRESENTED BY
25 THEM TO BE QUITE AN EDUCATIONAL TOOL.

1 UNITED NEIGHBORHOODS HAS REQUESTED THIS
2 VIDEOTAPE OF A NUMBER OF OFFICERS, AND THE DEPARTMENT DENIES ITS
3 EXISTENCE TO A SEARCH WARRANT. HOWEVER, THE ADDRESS OF THE HOME
4 THAT APPEARED ON THE FACE OF THE WARRANT WAS ERRONEOUS. THE
5 OFFICERS EXECUTING THE WARRANT REALIZED THE ERROR AND THAT THE
6 WRONG ADDRESS HAD BEEN IDENTIFIED. HOWEVER, NOTWITHSTANDING THE
7 ERROR, THE OFFICERS PROCEEDED TO CONDUCT A SEARCH ANYWAY OF THE
8 WRONG HOME.

9 AN INDIVIDUAL WHO WAS PRESENT IN THAT HOME THAT
10 WAS SERVED WAS ORDERED BY ONE OF THE OFFICERS TO UNDRRESS DOWN TO
11 HIS UNDERWEAR. THE CONSENT OF THE PERSON OR PERSONS WHO WERE
12 TAPED AND WERE PART OF THIS VIDEOTAPE WAS NOT OBTAINED BY THE
13 POLICE; AND IT IS UNCERTAIN, AT THIS TIME, HOW MANY OTHER
14 DEPARTMENTS HAVE POSSESSION OF THIS TAPE. AS I STATED BEFORE,
15 THE POLICE DEPARTMENT DENIES ITS EXISTENCE.

16 NOW, THE SECOND PART OF THE PRESENTATION
17 INVOLVES A YOUTH BY THE NAME OF GARY BRADFORD. HE'S A
18 20-YEAR-OLD YOUTH WHO RESIDES IN ANAHEIM; AND WHEN I SPOKE TO
19 HIM, HE SEEMED A PRETTY LIKABLE YOUNG MAN WHO IMPRESSED ME A LOT
20 WITH HIS CANDOR AND INTELLIGENCE. UNFORTUNATELY, HOWEVER, GARY
21 ALSO BORE THE JADED EXPRESSION OF A YOUTH FORCED TO MATURE, I
22 BELIEVE, WELL BEFORE HIS TIME. YOU SEE, GARY IS ON GANG TERMS;
23 AND IF HE REMAINS ON THOSE GANG TERMS, I HONESTLY BELIEVE IT WILL
24 BE A BURDEN THAT WILL AFFECT HIM NEGATIVELY FOR THE REST OF HIS
25 LIFE.

1 HIS TRIALS BEGIN AT AGE 15, WHEN HE WAS PUT ON
2 PROBATION FOR CHARGES OF FIGHTING. AFTER THIS INITIAL TROUBLE,
3 SUBSEQUENT CONFRONTATIONS WITH THE ANAHEIM P.D. AND GANG DETAILS,
4 AS WELL AS OTHER MEMBERS OF THE DEPARTMENT, RESULTED IN FREQUENT
5 INCIDENTS OF DETENTION WITHOUT CAUSE.

6 THESE INCIDENTS ARE TYPIFIED BY THE
7 FOLLOWING -- AND HE TOLD ME OF SO MANY THAT I HAVE TO GENERALIZE,
8 OKAY, JUST TO KEEP IT SHORT: CONSISTENT PHYSICAL AND MENTAL
9 HARASSMENT, ARREST AND DETENTION FOR, QUOTE, LYING TO THE
10 POLICE -- CLOSE QUOTE -- INTRUSIVE INTERROGATION BY THE POLICE,
11 IN ONE INSTANCE WHEN HE WAS HOSPITALIZED FOR A STABBING INCIDENT
12 WHERE HE WAS THE STABBING VICTIM; AN ARREST WHERE HE WAS BEATEN,
13 SPRAYED WITH PEPPER SPRAY, HANDCUFFED BY THE ANAHEIM P.D. WHEN HE
14 WAS MERELY PRESENT AT A BARBECUE; AND THAT HOME THAT HE WAS
15 PRESENT AT THAT WAS BEING INVESTIGATED, THE POLICE IDENTIFIED HIM
16 MISTAKENLY AS A PERPETRATOR OF AN OFFENSE. ALSO, THERE'S BEEN
17 CONTINUOUS SURVEILLANCE BY THE ANAHEIM P.D. AND HARASSMENT OF HIS
18 FAMILY BY MEMBERS OF THE DEPARTMENT.

19 NOW, BOTH GARY AND CLAUDIO, THE TWO EXAMPLES
20 THAT I'VE GIVEN YOU HERE THIS AFTERNOON, ARE NOT GOING TO BE ABLE
21 TO BETTER THEMSELVES IF THIS KIND OF CONDUCT IS ALLOWED TO
22 CONTINUE. IN SPEAKING TO BOTH THOSE INDIVIDUALS, I WAS STRUCK
23 EXTREMELY HARD BY THE JADED WAY THEY PRESENTED THEIR STORIES. I
24 MEAN, THOSE TWO KIDS HAVE BEEN THROUGH A LOT, AND THEY DO NOT
25 TRUST THE POLICE; AND THEY HAVE EVERY REASON, I BELIEVE, NOT TO

1 AT THIS POINT IN THEIR LIVES.

2 I BELIEVE THAT BOTH THESE EXAMPLES, IN THE
3 TRUEST SENSE, ARE THE ANAHEIM P.D.'S EXAMPLE AND PERCEPTION OF
4 WHAT'S CALLED A "SELF-FULFILLING PROPHECY." THE HISPANIC YOUTH,
5 WHO IRONICALLY, BECAUSE OF THE CONSTANT HARASSMENT OF HIS MERE
6 APPEARANCE AND ASSOCIATIONS, CAN ONLY DESPAIR AND DOUBT AND WILL
7 SOME DAY BE REDUCED TO NOTHING MORE THAN TRAGIC FIGURES. THEY
8 ARE ILL-FATED PRODUCTS OF THE CONSTANT AND PERSISTENT PERSECUTION
9 BY THE HARASSMENT OF THE DEPARTMENT'S GANG DETAIL.

10 NOW, IN CLOSING, I WANT TO QUALIFY MY COMMENTS.
11 I WANT TO QUALIFY THEM BY SAYING THAT THEY ARE NOT AN INDICTMENT
12 OF THE ENTIRE POLICE DEPARTMENT. NOT EVERY OFFICER EMPLOYED BY
13 THE DEPARTMENT, I BELIEVE, ENGAGES IN THE CONDUCT THAT I'VE JUST
14 DESCRIBED.

15 FURTHERMORE, I HAVE NO DOUBT THAT A NUMBER OF
16 OFFICERS IN THAT DEPARTMENT COMFORT THEMSELVES WITH A HIGH DEGREE
17 OF PROFESSIONALISM AND COMPETENCY. THOSE INDIVIDUAL OFFICERS WHO
18 DID NOT ENGAGE IN THE CONDUCT THAT I'VE DESCRIBED, EMPLOY THE
19 FINEST IN LAW ENFORCEMENT BECAUSE THEY HAVE TO.

20 AND IT'S THOSE OFFICERS WHO SHOULD NOT BE
21 INCLUDED OR ASSOCIATED WITH THOSE FEW THAT I'M TALKING ABOUT
22 WHOSE ACTIONS TAINT THE DEPARTMENT'S STANDING IN THE LAW
23 ENFORCEMENT COMMUNITY.

24 AND I APPRECIATE YOUR TIME. THANK YOU VERY
25 MUCH.

1 DR. HERNANDEZ: THANK YOU VERY MUCH. MR. MASSEY?

2 MR. MASSEY: THANK YOU. FIRST OF ALL, I WOULD LIKE TO THANK
3 THE COMMISSION FOR INVITING THE NAACP, ORANGE COUNTY BRANCH TO
4 THIS HEARING.

5 ONE OF THE THINGS THAT WE ENCOUNTER EACH DAY IS
6 A VARIETY OF THINGS, NOT ESPECIALLY CENTERED UPON WHAT'S BEEN
7 PRESENTED TODAY, WITH OUR YOUTH. WE GET A MYRIAD OF THINGS THAT
8 HAPPEN. WE RECEIVE ON THE AVERAGE OF 25 CALLS PER DAY REGARDING
9 DISCRIMINATION, WRONGFUL TERMINATION, THESE TYPES OF THINGS IN
10 THE COUNTY.

11 SOME OF THE THINGS THAT I HEARD THIS MORNING,
12 IN PART THIS AFTERNOON, WE'VE EXPERIENCED. ONE OF THE THINGS
13 THAT, IN THE AFRICAN-AMERICAN COMMUNITY -- THERE IS NO SUCH THING
14 HERE IN ORANGE COUNTY BECAUSE WE'RE SO DISPERSED THAT, I GUESS,
15 MAYBE THAT'S ONE OF THE REASONS WHY WE'RE NOT CONFRONTED WITH THE
16 SAME THINGS THAT'S HAPPENING IN THE LATINO COMMUNITY; BUT WE DO,
17 ON OCCASION, AND WE DO HAVE DOCUMENTED EVIDENCE OF CITIES IN
18 ORANGE COUNTY THAT ACTUALLY STOP OUR YOUTH FOR LITTLE OR NO
19 REASON AT ALL.

20 WE DO HAVE EVIDENCE WHERE THIS YOUNG MAN
21 ATTENDS SCHOOL AND HE WORKS IN THE EVENING, BUT HE'S BEEN STOPPED
22 JUST ABOUT EVERY OTHER DAY, AND FOR NO REASON AT ALL, JUST
23 BECAUSE WHO HE IS, AS BEING AN AFRICAN-AMERICAN.

24 THEY DON'T NORMALLY HAVE TO DON ON ANY TYPE OF
25 GANG CLOTHES OR ANY TYPE OF THINGS OF THAT SORT. I THINK IT'S

1 JUST BECAUSE OF WHO THAT PERSON IS THAT THEY'RE STOPPED. THEY'RE
2 STOPPED AND ASKED, WHY ARE THEY IN THIS PARTICULAR NEIGHBORHOOD.
3 AND THE FUNNY THING THAT HAPPENED TO ONE YOUNG MAN, HE SAYS, "I'M
4 STOPPED THREE TIMES A WEEK"; AND IT GETS TO BE A JOKE AFTER A
5 WHILE. HE'S ALMOST MADE FRIENDS WITH THE OFFICER THAT CONTINUES
6 TO STOP HIM, AND FOR NO REASON WHATSOEVER, JUST TO FIND OUT WHY
7 HE'S IN THAT COMMUNITY. AND THIS CONCERNS US, HERE, AT THE
8 NAACP.

9 THAT IS NOT THE BRUNT OF OUR PROBLEM. ONE OF
10 THE THINGS THAT WE HAVE A LOT OF, AS OTHERS -- AND THESE INVOLVED
11 ADULTS, AND IT INVOLVES DISCRIMINATION ON JOBS; BECAUSE WE'RE
12 GETTING A LOT OF THE BACKLASH FROM THINGS THAT'S HAPPENED, AS YOU
13 PROBABLY KNOW IN THE NEWS. I THINK, STARTING OUT WITH THE
14 RODNEY KING INCIDENT, WE FOUND THAT OUR CALLS HAD INCREASED
15 300 PERCENT; AND AS THAT SORT OF TAPERED OFF -- AND OBVIOUSLY,
16 WE'VE GONE THROUGH THE O.J. SIMPSON-TYPE OF THING; AND AS A
17 RESULT OF THAT VERDICT, THINGS CONTINUE TO -- CALLS CONTINUE TO
18 COME IN; BUT THEY'RE ALL THE SAME. THE THINGS THAT I'VE HEARD
19 THIS MORNING, THE SAME THING THAT INVOLVES LAW ENFORCEMENT. JUST
20 NOT SAYING THAT THERE WAS NOT PROBABLE CAUSE; BUT I THINK, IN
21 SEVERAL OF THE CASE, THAT WE'VE DETERMINED THAT THERE WAS LITTLE
22 OR NO PROBABLE CAUSE FOR DETAINING THE INDIVIDUALS.

23 BUT I WON'T TAKE UP A LOT OF YOUR TIME HERE. I
24 REALLY APPRECIATE, AND I -- IT'S A LEARNING THING. ONE OF THE
25 THINGS THAT WE WOULD LIKE TO DO HERE IN ORANGE COUNTY, THE ORANGE

1 COUNTY BRANCH -- THE PRESIDENT WOULD LIKE THE ADVISORY COMMITTEES
2 TO POSSIBLY CONVENE, AND MAYBE WE CAN TALK ABOUT THIS OFF-LINE;
3 THAT WE WOULD LIKE TO INTRODUCE SOME OF THE THINGS THAT WE ARE
4 CONTRACTED HERE IN ORANGE COUNTY; BECAUSE BELIEVE ME, YOU WOULD
5 THINK THAT THINGS WOULD BE GETTING BETTER AT THIS TIME, BUT IT
6 SEEMS LIKE EACH DAY, THAT MORE AND MORE THINGS ARE STARTING TO
7 DETERIORATE AS FAR AS RACE RELATIONS ARE CONCERNED.

8 ONE OF THE GOALS THAT I HAVE FOR MY PARTICULAR
9 COMMITTEE, AS THE LEGAL REDRESS COMMITTEE, WE'RE THE PEOPLE ON
10 THE FRONT, THE COORDINATORS THAT RECEIVE THESE CALLS. PEOPLE
11 HAVE BEEN DISCRIMINATED AGAINST IN THE VARIOUS BUSINESSES AND
12 THAT SORT OF THING; THEY'RE FOLLOWED WHEN THEY GO INTO THE STORES
13 OUT HERE AT THE SOUTH COAST MALL; AND JUST BECAUSE OF WHO THEY
14 ARE, THEY'RE FOLLOWED BY SECURITY, AND I THINK THAT YOU'VE HEARD
15 THESE THINGS BEFORE.

16 BUT WE WOULD LIKE TO ADDRESS SOME OF THESE
17 THINGS AND ALSO SOME OF THE WAYS THAT PEOPLE ARE TREATED IN THE
18 JUSTICE SYSTEM, AND I THINK THAT THERE'S BEEN DOCUMENTED EVIDENCE
19 OF WHAT HAPPENS THERE TO ALL PEOPLE OF COLOR, SPECIFICALLY
20 AFRICAN-AMERICANS IN THAT; BUT I WON'T -- I FEEL THAT, I GUESS,
21 BECAUSE THERE IS NO NEIGHBORHOOD IN ORANGE COUNTY, WE JUST DO
22 NOT -- HAVEN'T CONFRONTED WITH THE ACTUAL SO-CALLED GANG PROBLEM;
23 BUT YET, STILL, OUR YOUTH, THEY'RE STILL BEING STOPPED AND
24 QUESTIONED AND HARASSED AT TIMES, AND FOR NO REASON AT ALL.

25 BUT AGAIN, I WANT TO THANK YOU FOR ALLOWING US

1 TO SPEAK AND TO APPEAR, AND I'LL JUST PASS MY TIME ON TO SOMEONE
2 ELSE. THANKS AGAIN.

3 DR. HERNANDEZ: MISS WILLIAMS?

4 MS. WILLIAMS: WELL, MY TIME WOULD BE LIMITED AS WELL. AS
5 MR. MASSEY SAID, I WORK UNDER HIS EXPERT DIRECTION FOR THE LEGAL
6 REDRESS COMMITTEE.

7 I WANTED TO SAY THAT, IN ANSWERING OUR LEGAL
8 MAILBOX, I'M TAKING OUT, DAILY, APPROXIMATELY 25 TO 30 CALLS FROM
9 HISPANIC MINORITIES AS WELL AS AFRO-AMERICANS. AS HE STATED
10 EARLIER, THEY'RE NOT NECESSARILY ABOUT THE WAY A PERSON DRESSES
11 OR THEIR APPEARANCE; AND AS I HEARD STATED EARLIER HERE TODAY,
12 THAT BECAUSE YOU LIVE IN A CERTAIN NEIGHBORHOOD, THAT YOU COULD
13 BE GANG-AFFILIATED. THAT'S NOT THE ISSUE EITHER. SOME OF THESE
14 INDIVIDUALS COME FROM NICE NEIGHBORHOODS -- WHAT WERE CONSIDERED
15 BY THE NORM TO BE A NICE NEIGHBORHOOD. YET, THE HARASSMENT IS
16 STILL PRESENT.

17 INASMUCH AS THE SCOPE OF THIS HEARING HAS BEEN
18 NARROWED TO DRESS AND POLICE HARASSMENT; THE POLICE HARASSMENT, I
19 COULD GIVE YOU 30 STORIES A DAY, BUT THEY WERE NOT HARASSED
20 BECAUSE OF THE WAY THE INDIVIDUAL WAS DRESSED. THEY WERE
21 HARASSED BECAUSE THEY WERE WALKING ACROSS A COLLEGE CAMPUS, DOWN
22 A NEIGHBORHOOD STREET.

23 WE HAVE A HISPANIC THAT, PROBABLY, CALLS US
24 ONCE A WEEK -- I'M SORRY, ONCE A DAY, EVERY WEEK, TO SAY THAT
25 HE'S CONSTANTLY BEING HARASSED. THOUGH HIS SEXUAL PREFERENCE MAY

1 NOT BE THE MOST FAVORABLE, HE STILL WANTS TO MAINTAIN HIS RIGHT
2 TO HAVE THE SEXUAL PREFERENCE THAT HE SO DESIRES.

3 BUT THE PROBLEM'S THERE. WE CAN GIVE YOU STORY
4 AFTER STORY OF ANAHEIM AND THE WESTMINSTER POLICE DEPARTMENT;
5 JUST, THEY DON'T FIT THE SCOPE OF THE CONVERSATION TODAY AS FAR
6 AS THE PERSON BEING HARASSED BY THE WAY THEY WERE DRESSED. WHEN
7 IT COMES DOWN TO HOW YOU HAVE A NEIGHBORHOOD, IT DOESN'T MATTER
8 HOW YOU DRESS. THANK YOU.

9 DR. HERNANDEZ: THANK YOU VERY MUCH. MISS INOUE?

10 MS. INOUE: AGAIN, MY NAME IS NICOLE INOUE, AND I'M THE
11 1996-1997 ASIAN-PACIFIC STUDENTS ASSOCIATION CHAIR AT THE
12 UNIVERSITY OF CALIFORNIA, IRVINE.

13 AS CHAIR OF THE ORGANIZATION, APSA HOLDS, OR
14 HAS ASIAN CLUBS AND ORGANIZATION. APSA, ASIAN-PACIFIC ISLANDERS
15 DETECTS WITHIN OUR CLUBS, SO I HAVE CONTACT WITH 18 CLUBS AND
16 OFFICERS ON THE CAMPUS.

17 THE TOPIC OF THE RELATIONSHIP BETWEEN
18 ASIAN-PACIFIC ISLANDERS AND THE POLICE HAS BEEN SOMETHING THAT IS
19 A VERY HIGHLY CHARGED AND VERY SENSITIVE TOPIC TO OUR CAMPUS.
20 THERE ARE STILL A LOT OF CONCERNS, AND A LOT OF PEOPLE FEEL THAT
21 THERE IS STILL A TARGET BASED ON CERTAIN STEREOTYPES AND
22 DIFFERENT OTHER THINGS. THERE IS SOME LEVEL OF MISUNDERSTANDING
23 AND HOSTILITY, SPECIFICALLY SINCE IT'S IN IRVINE, WITH THE CAMPUS
24 AND MORE SPECIFICALLY, THE IRVINE POLICE.

25 LAST YEAR, APSA DID A PANEL; AND WHAT IT WAS IS

1 WE INVITED OFFICERS FROM THE IRVINE POLICE TO COME TO ONE OF OUR
2 MEETINGS AND TALK ABOUT OUR -- JUST TO START A DIALOGUE WITH THE
3 STUDENTS. WE INVITED THE STUDENTS WITHIN APSA, AS WELL AS
4 GENERAL MEMBERS, TO COME IN AND JUST TALK. AND I GUESS THE BASIC
5 CONCLUSION IS, IT WASN'T QUITE AS EFFECTIVE AS WE HAD EXPECTED OR
6 HOPED FOR. IT SEEMED THAT, UNFORTUNATELY, IT WAS A TIME FOR THE
7 STUDENTS TO -- THIS WAS THEIR FORUM TO TALK ABOUT DIFFERENT
8 THINGS THAT THEY'VE ENCOUNTERED IN IRVINE, AND IT ENDED UP TO BE
9 A COMPLAINT SESSION; AND I DON'T KNOW THAT THAT WAS THE RIGHT
10 FORUM TO START A DIALOGUE IN. AND WHEN A LOT OF PEOPLE LEFT,
11 THEY FELT THAT THERE WASN'T A LOT ACCOMPLISHED.

12 AND, I GUESS, IN TERMS OF WHAT I SEE, I WOULD
13 JUST LIKE TO PROPOSE SOME SUGGESTIONS AS TO, MAYBE, DIFFERENT
14 THINGS THAT, SPECIFICALLY ON THE IRVINE CAMPUS AND WITH THE
15 ASIAN-PACIFIC ISLANDER STUDENTS, AS WELL AS OTHER STUDENTS ON
16 CAMPUS, JUST THAT -- AS YOU CAN SEE, OR AS I HAVE SAID, THE PANEL
17 REALLY WASN'T A GOOD FORUM TO FIND A CONCLUSION IN; BUT I THINK
18 THE KEY TO THIS IS OPEN COMMUNICATION, AND OPEN COMMUNICATION
19 WITHIN OTHER FORUMS AND OTHER THINGS NEED TO BE DONE ULTIMATELY.

20 I THINK THAT, AS OF RIGHT NOW, THE POLICE ARE
21 SEEN AS THE ENEMY AND NOT NECESSARILY THE PEOPLE WHO ARE SUPPOSED
22 TO PROTECT AND SERVE THE COMMUNITY. SO, AS OF RIGHT NOW, I THINK
23 THERE'S A LOT OF PEOPLE WITHIN THE ASIAN-PACIFIC ISLANDER
24 COMMUNITY THAT SEE THE POLICE AS UNAPPROACHABLE, UN-TRUSTED, NOT
25 NECESSARILY ON THEIR SIDE.

1 JUST SOME SUGGESTIONS THAT I'VE GOTTEN FROM
2 DIFFERENT STUDENTS ON CAMPUS IS FOR POLICE TO BE MORE SEEN ON
3 CAMPUS, SPECIFICALLY THE CAMPUS POLICE. IT'S BEEN STATED THAT
4 THERE'S A LOT OF POLICE OFFICERS ON BIKE DETAIL, BUT WE DON'T
5 NECESSARILY SEE THEM ON THEIR BIKES. AND MAYBE JUST TO HAVE A
6 CHANCE TO TALK TO THE POLICE, AS WELL AS SEEING THE POLICE IN
7 OTHER FORUMS, OTHER THAN BEING STOPPED BY THE POLICE. IF, MAYBE,
8 THEY COULD COME TO DIFFERENT EVENTS, MAYBE BE THERE TO HAVE
9 PEOPLE TALK TO THEM -- MAYBE NOT NECESSARILY WHILE THEY'RE ON
10 DUTY.

11 I KNOW THAT'S AN EXTRA CALL FOR THEM; BUT IN
12 TERMS OF RELATIONS WITH STUDENTS, THAT'S ALMOST SOMETHING THAT'S
13 GOING TO BE NECESSARY BECAUSE THEY DON'T WANT TO NECESSARILY
14 ASSOCIATE THESE POLICE OFFICERS WITH ALWAYS BEING IN THEIR BLUE
15 UNIFORMS AND IN THEIR CARS AND, YOU KNOW, THE -- ON THE OTHER
16 SIDE OF A DETAINMENT.

17 AND I GUESS, ULTIMATELY, THE BIGGEST THING IS,
18 THERE'S A BIG FEELING THAT JUST BECAUSE CERTAIN PEOPLE DRIVE
19 CERTAIN CARS OR DRESS A CERTAIN WAY OR LOOK A CERTAIN WAY, THAT
20 THAT'S NOT NECESSARILY A REASON FOR PEOPLE TO BE LABELED AS
21 "GANGSTERS" OR TO BE TALKED TO OR QUESTIONED IN MORE OF AN
22 ACCUSATORY WAY.

23 SO, I WANTED TO ALSO THANK YOU FOR YOUR TIME,
24 AND I'LL BE OPEN TO TALKING LATER. THANK YOU.

25 DR. HERNANDEZ: THANK YOU. MR. TSANG?

1 MR. TSANG: THANK YOU. DR. HERNANDEZ AND OTHER MEMBERS OF
2 THE COMMITTEE, THANK YOU FOR INVITING ME TO BE PART OF THIS
3 COMMITTEE.

4 I'M A CO-FOUNDER OF AWARE, THE ALLIANCE WORKING
5 FOR ASIAN RIGHTS AND EMPOWERMENT. AWARE IS AN ADVOCACY GROUP
6 FORMED IN SEPTEMBER, 1993, ORIGINALLY TO SUPPORT THE THREE HIGH
7 SCHOOL GIRLS THAT WERE PHOTOGRAPHED BY THE GARDEN GROVE POLICE
8 DEPARTMENT. TWO OF THE GIRLS HAD CALLED ME BECAUSE I HAD
9 PARTICIPATED IN A DEMONSTRATION AT FOUNTAIN VALLEY CITY COUNSEL
10 THAT ONE OF OUR FUTURE MEMBERS -- SHE HAD ALREADY A GROUP OF
11 YOUNG MEN THAT HAD BEEN HARASSED BY THE POLICE, AND THE
12 ORGANIZATION AT FOUNTAIN VALLEY AND THE DIRECTOR HAPPENED TO BE
13 THERE, AND THE GIRLS HAPPENED TO BE RIGHT UP; AND THEY CALLED ME,
14 AND THEY CALLED THE CITY ATTORNEY. LUCKILY THEY CALLED ME, AND
15 WE HELPED THEM, AND THEY FILED A LAWSUIT.

16 SINCE THEN, WE HAVE BROADENED OUR SCOPE,
17 FOCUSING ON CIVIL RIGHTS EDUCATION. A COUNTY-WIDE GROUP, WE HAVE
18 HELD COMMUNITY WORKSHOPS, MONITORED TRIALS OF ASIAN YOUTHS IN
19 SUPERIOR COURTS, VISITED INMATES IN O.C. JAILS, AND GIVEN
20 PRESENTATIONS AT HIGH SCHOOLS IN IRVINE AND IN COLLEGES AS FAR AS
21 SANTA BARBARA AND RIVERSIDE.

22 WE ARE, PERHAPS, BEST KNOWN FOR OUR "KNOW YOUR
23 RIGHTS" CARDS. THIS IS A FIRST OF ITS KIND, I THINK, IN THE
24 NATION. IT IS WALLET-SIZED CARD, GIVING YOUNG PEOPLE THE RIGHT
25 TO SAY, "NO." YOUNG PEOPLE, WHATEVER ETHNICITY -- WHITE PEOPLE,

1 ALL SORTS OF COLORS -- TO STATE WITH THE SIGNATURE THAT THEY DO
2 NOT WANT THE POLICE TO PHOTOGRAPH THEM. ON THE BACK OF THE CARD
3 IS ALSO ROOM FOR PARENTS OR GUARDIANS TO COSIGN IF THE CARDHOLDER
4 IS A MINOR.

5 IT MIGHT COME AS NO SURPRISE THAT LAW
6 ENFORCEMENT DOES NOT SEEM TO LIKE OUR CARD. IRVINE POLICE
7 DEPARTMENT'S REACTION IS, PERHAPS, THE MOST EXTREME. IT DEVOTED
8 AN ENTIRE PARAGRAPH IN ITS OCTOBER 14, 1994, TRAINING BULLETIN,
9 94-18 -- WHICH I CAN MAKE AVAILABLE -- ON FIELD INTERVIEW
10 PHOTOGRAPHS, WRITTEN BY INVESTIGATOR MIKE WELCH OF THE IRVINE
11 P.D., ATTACKING AWARE AND THE "KNOW YOUR RIGHTS CARD" AND
12 CLAIMING DISINGENUOUSLY, THAT IT IS NOT TRUE; THAT ONE CAN SAY NO
13 TO HAVING THEIR PHOTOGRAPH TAKEN.

14 THE POLICE POSITION, AS I UNDERSTAND, IT'S A
15 PUBLIC STREET AND THEY COULD ALWAYS TAKE PICTURES. OUR POSITION
16 IS, IT'S HARD. YOU'RE TAUGHT TO SAY NO TO SEX, DRUGS IN SCHOOL.
17 WHY DON'T YOU SAY NO TO POLICE ABUSE? I BELIEVE THAT TRAINING
18 BULLETIN'S IN RESPONSE TO A PUBLIC RECORDS ACT REQUEST.

19 SUBSEQUENTLY, I FILED A FORMAL COMPLAINT WITH
20 THE IRVINE P.D.; THAT AWARE WAS BEING SINGLED OUT. IT WAS
21 REJECTED BY THE POLICE -- HE SAID IF HE WAS MAYOR, THEN HE WOULD
22 NOT HAVE ALLOWED THIS TO GO ON. SO, I SHOWED UP AT AN IRVINE
23 CITY COUNSEL MEETING TO VOICE SOME CONCERNS, ESPECIALLY ABOUT THE
24 CITY POLICE PHOTOGRAPHING ASIAN STUDENTS -- AT UCI WHERE I
25 WORK -- DRIVING HONDAS, ESPECIALLY, IN THE MIDDLE OF THE NIGHT.

1 UCI LATER HAD RECEIVED A COMPLAINT FROM ONE OF
2 THE STUDENTS AND FORWARDED IT ON TO THE POLICE. HE HAD BEEN
3 PHOTOGRAPHED IN THE -- OFF THE 405, HAVING BEEN FOLLOWED BY
4 UNDERCOVER COPS LEAVING HIS PARKWEST APARTMENT AT 3:00 A.M. IN
5 THE MORNING, AND EVENTUALLY PHOTOGRAPHED.

6 POLICE CHIEF CHARLES BROBECK WAS AT THE
7 MEETING. HE ASSURED THE AUDIENCE THAT UCI MEMBERS WERE VERY
8 HAPPY WITH THE POLICE, AND NOTHING WAS A PROBLEM. HOWEVER, THE
9 REPORTER FOR THE OC EDITION OF THE L.A. TIMES WAS THERE, AND HE
10 WROTE A STORY ABOUT IT, MARCH 1, 1996, SAYING THAT THE OFFICIALS
11 WERE GOING TO REVIEW THE POLICY. SOME CITY COUNSEL MEMBERS WERE
12 GOING TO MEET WITH THE POLICE. HOWEVER, NOTHING HAS COME OF
13 THAT.

14 SINCE 1993, WE BEGAN SURVEYING ALL POLICE
15 DEPARTMENTS IN ORANGE COUNTY ABOUT THEIR POLICIES OF FIELD
16 DETENTION AND STOPPING MINORS ON THE STREET AND PHOTOGRAPHING
17 THEM. AS YOU MIGHT IMAGINE, WE HAVEN'T HAD MUCH SUCCESS.
18 IRONICALLY, THE PERSON THAT WAS MOST FRIENDLY TO US WAS GARDEN
19 GROVE POLICE CHIEF STAN KNEE, WHO YOU WILL HEAR FROM THIS
20 AFTERNOON. WE MET WITH HIM -- THE PARENTS OF THE GIRLS WHO WERE
21 PHOTOGRAPHED AND US MET WITH HIM AND HIS STAFF AND HIS GANG UNIT;
22 AND AFTERWARDS, THERE WAS NO RESOLUTION. SO, THE ACLU FILED A
23 LAWSUIT. IN THE PROCESS, WE DID GET SOME DOCUMENTS.

24 HOWEVER, EVEN THOUGH THE SETTLEMENT WAS DONE,
25 GARDEN GROVE, AT THE TIME OF THE SETTLEMENT -- I'M NOT SURE IF

1 THEY STILL DO IT -- POLICE STILL USE FIELD INTERVIEW CARDS THAT
2 CALL ASIANS "ORIENTAL, VIETNAMESE, OR SAMOAN." YOU CAN BE
3 EITHER. AS YOU CAN IMAGINE, WE REALLY DON'T LIKE TO BE CALLED
4 "ORIENTAL."

5 WESTMINSTER'S POLICE CHIEF REFUSED TO COME OUT
6 OF HIS OFFICE TO MEET US, EVEN THOUGH THE FIRST VIETNAMESE
7 AMERICAN ELECTED OFFICIAL, TONY LAM, HAD ARRANGED THE MEETING AND
8 WAS THERE WITH US. THE POLICE CHIEF WAS OUT JOGGING, AND HE CAME
9 BACK AND SAW OUR BUTTONS. HE SAID HE COULDN'T MEET WITH US. HE
10 MIGHT BE SUED.

11 THE LAGUNA BEACH POLICE CHIEF NEIL PURCELL SAID
12 WE WOULD HAVE TO SUE THEM TO GET THE INFORMATION, CLAIMING
13 OFFICER SAFETY WAS INVOLVED, EVEN THOUGH WE HAD GOTTEN THE SAME
14 INFORMATION FROM STAN KNEE IN GARDEN GROVE. HE WROTE ME A
15 LETTER, JUNE 3RD, 1994, "WITHOUT A DISCOVERY MOTION, I AM NOT
16 WILLING TO HONOR YOUR REQUEST FOR COPIES OF THESE POLICIES,"
17 NEIL PURCELL.

18 ANAHEIM'S THEN-POLICE CHIEF JIMMIE D. KENNEDY
19 CLAIMED ITS PHOTO POLICY COMPLIES WITH STATE LAW, BUT REFUSED TO
20 RELEASE ANY DOCUMENTS.

21 NEWPORT BEACH POLICE CHIEF BOB MCDONELL SAID HE
22 DID NOT HAVE A POLICY ON STOPPING THOSE SUSPECTED OF BEING GANG
23 MEMBERS, BUT PHOTOGRAPHS MAY BE TAKEN ONLY IF IT MEETS THE LAW.

24 SIMILARLY, FOUNTAIN VALLEY POLICE CHIEF
25 ELVIN G. MIALI ASSURED US THAT ITS POLICIES ON NON-CUSTODIAL

1 PHOTOGRAPHY MEET WITH THE LAW.

2 LOS ALAMITOS' ACTING POLICE CHIEF
3 GARY BIGGERSTAFF SAID HIS DEPARTMENT IS ALREADY OVERBURDENED AND
4 UNDER-MANNED AND COULD NOT ANSWER OUR QUESTIONS. HE ALSO
5 DISPARAGED OUR GROUP: ADDITIONALLY, IT APPEARS THAT THE GROUP
6 YOU REPRESENT, HE WROTE, IS NOT ONE THAT IS WIDELY RECOGNIZED OR
7 ONE THAT THE LOS ALAMITOS POLICE DEPARTMENT WOULD BE ACCOUNTABLE
8 TO. HE MENTIONED THE FEDS AS SOME GROUP THAT HE MIGHT BE
9 ACCOUNTABLE TO.

10 FULLERTON POLICE CHIEF PATRICK E. MCKINLEY,
11 WHOM YOU WILL HEAR FROM THIS AFTERNOON AS WELL, WROTE US TO SAY
12 THAT THEY ONLY STOP PEOPLE BASED ON REASONABLE SUSPICION AND
13 PROBABLE CAUSE, OR WITHIN THE CONTEXT OF A CONSENSUAL ENCOUNTER.
14 HE DID SAY PHOTOS ARE TAKEN BASED ON CONSENT OR INCIDENT TO AN
15 ARREST. ONLY WE DO NOT, HOWEVER, FIND THAT THAT IS TRUE. IT IS
16 NOT INFORMED CONSENT WHEN DETAINEES ARE NOT TOLD THAT THEIR
17 PICTURES MAY BE DIGITALIZED FOR THE GREAT GANG COMPUTER SYSTEM.
18 POLICE DEPARTMENTS IN OTHER CITIES IGNORED OUR REQUEST. WE NEVER
19 HEARD FROM THEM.

20 WE ARE ESPECIALLY CONCERNED ABOUT THE GANG
21 INCIDENT TRACKING SYSTEM, DATA THAT IS COLLECTED AT UC IRVINE ON
22 BEHALF OF THE ORANGE COUNTY CHIEFS AND SHERIFF'S ASSOCIATION,
23 WHICH WANTS UCI TO MAP GANG INCIDENT DATA FOR THEM.

24 A PUBLIC UNIVERSITY SHOULD HAVE NO BUSINESS
25 DOING SECRET RESEARCH FOR THE POLICE. WHAT THE POLICE DID IS

1 DUMP ALL THE DATA ON UCI UNDER SOME SECRECY AGREEMENT, AND UCI
2 CANNOT RELEASE THE DATA. THE POLICE, UNDER THE MEMORANDUM OF
3 UNDERSTANDING GOVERNING THE UCI-OCCSA LINK ASSIGNED BY UCI, IT IS
4 THE POLICE THAT HAS THE RIGHT TO DECIDE WHO GETS THE DATA, WHEN
5 TO RELEASE IT, WHAT REPORTS TO RELEASE.

6 SECRECY IS THE TRADEMARK OF THIS PROJECT. IT
7 TOOK ME MONTHS BEFORE THE UNIVERSITY WOULD RELEASE EVEN THE GRANT
8 PROPOSALS RELATING TO THIS PROJECT FOR AN ARTICLE I WROTE.

9 FURTHERMORE, THE RESEARCHERS WERE USING FLAWED
10 DEFINITIONS OF GANG INCIDENTS, INCLUDING A CRITERION SIMILAR TO
11 GREAT'S GANG DEFINITION CRITERION THAT A REPORTING AGENCY, GARDEN
12 GROVE, HAS PROMISED NOT TO USE IN ITS ACLU SETTLEMENT, THEREFORE
13 RAISING DOUBT ABOUT ACCURACY OF THE MAPPING.

14 THIS WAS BROUGHT UP EARLIER IN THE ACLU PANEL
15 ABOUT CRITERIA -- YEAH, NO. 6. BASICALLY, THAT IF ALL THE ABOVE
16 DOES NOT FIT, YOU CAN STILL ADD THEM. WELL, THAT WAS THROWN OUT
17 OF GARDEN GROVE. THEY CANNOT USE THAT BECAUSE OF A SETTLEMENT;
18 AND ACCORDING TO PROSECUTORS THIS MORNING, THEY'RE NOT USING THAT
19 IN ORANGE COUNTY.

20 HOWEVER, IF, ACCORDING TO THE GRANT PROPOSAL I
21 GOT THIS IN, THE CRITERIA DOESN'T FIT ABOVE CRITERIA, YOU CAN
22 STILL ADD THIS INCIDENT AS A GANG INCIDENT. THIS STILL WAS USED
23 TO FORM THE BASIS FOR THIS GRANT PROPOSAL, AND THEY RECEIVED,
24 LIKE, \$3,730,000 TO DO THIS MAPPING.

25 I PERSONALLY ALSO HAVE BEEN THREATENED. AFTER

1 ONE OF OUR COMMUNITY MEETINGS, TWO WESTMINSTER POLICE OFFICERS
2 CALLED ME UP BY PHONE AT 8:30 IN THE MORNING. THE FIRST, TO
3 CHALLENGE SOME DATA I HAD CITED FROM ITS TARGET PROGRAM,
4 REGARDING 22 PERCENT OF THE PEOPLE STOPPED IN WESTMINSTER TARGET
5 PROGRAM ARE ASIAN, EVEN THOUGH THE POPULATION IS 23 PERCENT
6 ASIAN. THIS COP WANTED TO KNOW WHERE I GOT THE DATA. I GOT IT
7 FROM THEIR OWN REPORTS.

8 THE SECOND COP WHO CALLED ME THAT MORNING WAS
9 MARK NYE, A DETECTIVE IN ITS GANG UNIT. HE THREATENED TO SUE ME
10 IF I MISQUOTED HIM, HE SAID, AGAIN FROM A REPORT ON IDENTIFYING
11 ASIAN GANG MEMBERS THAT HE HAD WRITTEN FOR THE POLICE.

12 HE WROTE ABOUT FEMALE GANG MEMBERS, "THE
13 FEMALES CAN DRESS UP FOR GOING OUT ON THE TOWN AND NOT LOOK LIKE
14 GANG MEMBERS AT ALL. THIS CAN BE VERY DECEIVING FOR THE NOVICE
15 POLICE OFFICER WHO HAS NO KNOWLEDGE OF INDIVIDUAL GANG MEMBERS.
16 THEREFORE, CAUTION SHOULD BE UTILIZED WHETHER OR NOT THEY ARE
17 DRESSED IN THE GANG ATTIRE. EVEN THOUGH THEY DISGUISE THEIR
18 APPEARANCE, THEY USUALLY DRIVE THE SAME VEHICLES THEY DRIVE WHEN
19 PLAYING THE PART OF THE GANG MEMBER."

20 SO, THEY'RE SAYING IF YOU WEAR REGULAR CLOTHES,
21 YOU'RE IN DISGUISE. "THEREFORE, IT IS IMPORTANT," HE WROTE, "TO
22 DOCUMENT NOT ONLY INDIVIDUAL GANGS AND GANG MEMBERS, BUT ALSO
23 GANG-RELATED INDIVIDUALS AS WELL"; AND HOW YOU FIND OUT IF IT'S A
24 GANG VEHICLE IS IF IT'S BEEN STOPPED IN A PREVIOUS ENCOUNTER AND
25 HAS SOME ASSOCIATION. THIS IS FROM "ASIAN GANGS IN LITTLE

1 SAIGON: IDENTIFICATION AND METHODS OF OPERATION" REPORT. ON THE
2 STAND IN A TRIAL IN SUPERIOR COURT LAST YEAR -- THE VINH NGUYEN
3 CASE -- 1995, AUGUST 9TH, WHERE HE WAS A GANG EXPERT, NYE
4 ADMITTED UNDER OATH THAT HE HAD MADE THIS THREAT TO SUE ME.

5 I HAVE ALSO BEEN THE RECIPIENT OF AN AUGUST,
6 1993, TELEPHONE THREAT TO MY UCI OFFICE, "IDIOTS AND ASSHOLES
7 LIKE YOU SPEAKING UP FOR THESE LITTLE PUNKS DESERVE TO BE SHOT."
8 RIGHT AFTER I WROTE A PIECE FOR THE L.A. TIMES ABOUT THE THREE
9 GIRLS.

10 AND I ALSO GOT HATE MAIL FROM A SELF-DESCRIBED
11 POLICEMAN, WHO WROTE UNDER THE NAME OF NATHAN HAIL ON THE SAME
12 DAY:

13 "I FIRST BEGAN ARRESTING ASIANS WHILE I WAS AN
14 MP IN SAIGON. AS A STATESIDE COP, I FOUND ASIAN (PARTICULARLY
15 VIETNAMESE PUNKS) TO BE EVEN MORE VICIOUS. ANY -- AND LET ME
16 EMPHASIZE THE WORD ANY -- TOOL THAT CAN BE BROUGHT TO BEAR IN THE
17 WAR AGAINST THESE LITTLE PUNK GANGSTERS SHOULD BE IMPLEMENTED --
18 THEIR CIVIL RIGHTS BE DAMNED.

19 "AS A COP, I QUICKLY LEARNED TO DIVIDE THE
20 WORLD UP INTO TWO GROUPS OF PEOPLE: COPS AND ASSHOLES. YOUR
21 ARTICLE ONLY SERVED TO REINFORCE THAT POINT. LET ME TELL YOU
22 SOMETHING, MISTER, THE COPS WOULDN'T HAVE STOPPED YOUR LITTLE
23 CRY-BABY TEENAGER BUDDIES UNLESS THEY WERE DOING SOMETHING WRONG
24 (OR ABOUT TO), AND BELIEVE ME, COPS KNOW -- IT'S CALLED GUT
25 INSTINCT.

1 "YOU KNOW WHAT I THINK? I THINK YOU NEED TO
2 TAKE YOUR SNIVELING LITTLE PUNK ASS OUT ON A RIDE-ALONG WITH ANY
3 POLICE AGENCY IN ORANGE COUNTY. GANG SPECIALISTS MARCUS FRANK
4 AND MARK NYE ARE REAL PROS. YOU COULD LEARN A LOT FROM THEM.

5 "DESPITE JERKS LIKE YOU WHO 'TRAVEL THROUGH
6 FOUNTAIN VALLEY TO GET TO LITTLE SAIGON,' I WILL CONTINUE TO
7 FREQUENT BOLSA WITH MY VIETNAMESE WIFE, (WHO ALSO THINKS YOU'RE A
8 FUCKING JERK -- PROBABLY BECAUSE YOU'RE CHINESE, WHICH EXPLAINS A
9 LOT.

10 "BUT YOU'RE PROBABLY QUEER TOO, WHICH MIGHT
11 EXPLAIN WHY YOU SEEM TO HAVE YOUR ASS UP YOUR ASS."

12 THE LETTER ENDED WITH A CARBON-COPY NOTATION TO
13 DETECTIVE MARK NYE. UCI POLICE INVESTIGATED THIS CASE, AND IT
14 WAS -- THE P.O. BOX WAS USED BY A VIETNAMESE TRADING COMPANY; AND
15 ON THE BOTTOM OF THIS VIETNAMESE FOREIGN TRADING COMPANY, FROM
16 ONE -- I THINK FROM L.A. COUNTY; AND AT THE BOTTOM IT SAYS, DO
17 NOT GIVE MAIL TO NATHAN HAIL. SO, WE DON'T KNOW WHO HE IS. I
18 THINK TIMES YOU KNOW TO GET BACK TO THE LETTERS WE RECEIVED.

19 OVERALL, WE FOUND THIS OFFICIAL INTRANSIGENCE
20 TO BE QUITE DISTURBING, ESPECIALLY BECAUSE IT COMES FROM,
21 SUPPOSEDLY, PUBLIC AGENCIES. IT SHOWS THE DIRE NEED FOR
22 INDEPENDENT CITIZENS' REVIEW PANELS IN EACH CITY IN ORANGE
23 COUNTY, AND FOR A REVIEW PANEL TO REVIEW THE SHERIFF'S
24 DEPARTMENT.

25 INCIDENTALLY, WHEN A WHITE PUNK ROCKER

1 COMPLAINED ABOUT BEING DETAINED IN SOUTH COUNTY, I DISCOVERED THE
2 COUNTY SHERIFF DOES NOT PROVIDE WRITTEN COMPLAINT FORMS TO THE
3 PUBLIC. YOU HAVE TO TALK TO A POLICEMAN. THERE'S NO FORMS
4 AVAILABLE AT ALISO VIEJO SHERIFF'S AND RECORDS DEPARTMENT.

5 BECAUSE OF THE CARDS AND OUR WORK IN THE
6 COMMUNITY, YOUNG PEOPLE HAVE BEEN REPORTING INCIDENTS TO OUR
7 HOTLINE. TODAY'S SITUATION IS VERY MUCH SIMILAR FROM WHAT
8 HAPPENED IN GARDEN GROVE.

9 NOTHING REALLY HAS CHANGED. ASIAN YOUTH REPORT
10 THEY ARE PULLED OVER REGULARLY AND QUERIED ABOUT GANG TIES WITH
11 THE CHIEF PERPETRATORS, POLICE FROM IRVINE, FULLERTON, AND
12 ANAHEIM. IN JUST THE LAST FEW DAYS, THREE KOREAN-AMERICAN UCI
13 STUDENTS HAVE COME INTO MY OFFICE TO REPORT TO ME PERSONALLY THAT
14 THEY HAVE BEEN PULLED OVER BY AREA POLICE WHILE DRIVING, AND
15 SUBJECTED TO INTRUSIVE QUESTIONS ABOUT GANG TIES. SOME HAVE EVEN
16 HAD THEIR SHIRTS LIFTED UP IN THE SEARCH FOR TATTOOS.

17 AND I ACTUALLY HAVE A VIDEO. I CAN SHOW IT IN
18 JUST ONE SECOND. IT'S JUST A ONE-MINUTE VIDEO OF WESTMINSTER
19 POLICE STOPPING ASIANS. IT WAS THE NIGHT OF O.J.'S DRIVING THE
20 BRONCO IN ORANGE COUNTY; BUT THE REST OF THE NATION WAS WATCHING
21 THAT.

22 (A VIDEOTAPE IS BEING PLAYED.)

23 MR. TSANG: HERE'S OUR COPS STOPPING THESE KIDS IN THE
24 PICKUP. I'M SORRY THE AUDIENCE CAN'T SEE THIS, BUT I'LL SHOW ONE
25 SECOND OF IT. THIS WAS, I THINK, MAGNOLIA ON THE NIGHT THAT

1 HAPPENED IN '94; AND YOU CAN SEE THE PERSON ON THE RIGHT.

2 THERE'S A BUNCH OF PEOPLE IN THE PICKUP, AND HE JUST HAD HIS
3 SHIRT LIFTED UP. AND THE COP'S LOOKING FOR TATTOOS.

4 IN THE EARLIER SITUATION, ANOTHER GUY
5 WAS -- ALSO HAD HIS SHIRT LIFTED UP WITH FLASHLIGHTS SHINING ON
6 HIM. OF COURSE, I DO NOT KNOW WHAT HAPPENED IN THIS INCIDENT;
7 AND PERHAPS, PROBABLY, A REASONABLE SUSPICION THAT A TRAFFIC
8 VIOLATION WAS HAPPENING, BECAUSE THEY DID -- THERE ARE, LIKE, A
9 LOT OF PEOPLE IN THIS PICKUP, BUT THAT'S -- MY POINT IS THAT A
10 LOT OF TIMES THERE ARE LEGITIMATE TRAFFIC VIOLATIONS, BUT WHY ASK
11 ABOUT GANG TIES, EVEN IF YOUR CAR HAS BEEN MODIFIED.

12 (THE VIDEOTAPE ENDED.)

13 MR. TSANG: ANOTHER YOUTH, WHO VISITED ME IN MY OFFICE, WAS
14 A FRESHMAN. HE HAD JUST APPLIED AT UCI LAST SEPTEMBER, MOVING TO
15 UCI, WITH HIS FAMILY IN THE CAR BEHIND. HE WAS PULLED OVER BY
16 THE IRVINE POLICE, AND THEY WANTED TO TAKE HIS PICTURE FOR THIS
17 GANG COMPUTER; AND LUCKILY, THE PARENTS WERE THERE IN THE CAR
18 BEHIND AND INTERVENED TO PREVENT THE PHOTOGRAPHY. SINCE THEN, HE
19 HAS BEEN PULLED OVER ANOTHER FOUR OR FIVE TIMES. ALL THESE CASES
20 ARE KOREAN-AMERICANS.

21 ANOTHER YOUTH, WHOM I INTERVIEWED ON MY KUCI
22 RADIO SHOW, "SUBVERSITY" WAS ALSO A KOREAN-AMERICAN. HE HAD ALSO
23 BEEN HARASSED, AND I HAVE A LITTLE EXPERT FROM THAT. I'LL
24 JUST --

25 DR. HERNANDEZ: CAN YOU QUICKLY SUMMARIZE THAT, BECAUSE

1 WE'RE RUNNING LATE.

2 MR. TSANG: OKAY. I CAN PLAY IT. IT'S IMPORTANT BECAUSE I
3 THINK IT SHOWS -- HEARS THE VOICE OF A STUDENT WHO'S AT UCI,
4 TALKING ABOUT A CASE A FEW YEARS AGO WHEN HE WAS STILL IN HIGH
5 SCHOOL, AND THE FULLERTON POLICE PULLED HIM OVER. IN EVERY CASE,
6 NOW, WHEN -- SORRY WRONG ONE. SORRY.

7 (AN AUDIOTAPE IS BEING PLAYED.)

8 QUESTION: "THIS CASE, THIS IS WHEN YOU WERE IN HIGH
9 SCHOOL?"

10 ANSWER: "YES, WHEN I WAS -- THIS IS TWO YEARS AGO AND,
11 YOU KNOW, OFFICER WAS OBVIOUSLY, YOU KNOW, IN AN AWKWARD
12 SITUATION. HE SAID I HAD A GUN. I DIDN'T HAVE A GUN. AFTER HE
13 SEARCHED -- THOROUGHLY SEARCHED MY CAR, AND THEN HE PROCEEDED TO
14 THREATEN ME, HE SAID THAT HE DOESN'T WANT ME, MY KIND, IN
15 FULLERTON; AND THAT HE WANTS ME TO STAY IN MY CITY IN ANAHEIM.
16 AND I WAS SCARED. I'M NOT GOING TO ARGUE WITH A POLICEMAN. I
17 SAID, 'OKAY. I WON'T COME BACK, YOU KNOW.'"

18 (THE AUDIOTAPE ENDED.)

19 MR. TSANG: SO, THAT THIS STUDENT, A SOPHOMORE,
20 KOREAN-AMERICAN, ALSO LEAVES CAMPUS REALLY EARLY EVERY DAY SO
21 THERE IS LESS RISK OF BEING PULLED OVER. HE'S AFRAID TO STAY ON
22 CAMPUS AFTER DARK.

23 I THINK -- ONE SOLUTION, I THINK, OUT OF THIS
24 LOG JAM, I THINK, IS WHAT HAPPENED IN PENNSYLVANIA. A GROUP THAT
25 I WAS INVOLVED IN, THAT I HAD ORIGINALLY CO-FOUNDED,

1 ASIAN-AMERICAN UNITED ORGANIZATION, IN 1993, PROTESTED POLICE
2 PHOTO-SWEEPS OF ASIANS IN PHILADELPHIA.

3 THE PHILADELPHIA BAR ASSOCIATION, THE MAYOR'S
4 COMMISSION ON ASIAN/PACIFIC AFFAIRS, AND THE PHILADELPHIA POLICE
5 DEPARTMENT JOINTLY CAME TO AN AGREEMENT THAT THEY WOULD NOT
6 CONDUCT THESE ASIANS -- SWEEPS OF ASIANS IN PHILADELPHIA; AND THE
7 REASON THEY ARE ABLE TO DO THAT, IN FACT, IS BECAUSE PENNSYLVANIA
8 HAS A STATE LAW THAT SAYS THAT YOU CANNOT KEEP PICTURES OF MINORS
9 UNLESS THEY ARE ARRESTED. WE SHOULD SIMILARLY WORK FOR SUCH A
10 BAN.

11 DR. HERNANDEZ: COULD YOU CONCLUDE YOUR REMARKS NOW? YOU'VE
12 RUN OVER.

13 MR. TSANG: I THINK THAT THERE'S, PERHAPS, ANOTHER WAY OUT.
14 THE POLICE DEPARTMENTS, THEMSELVES, CAN DECIDE NOT TO TAKE
15 PICTURES OF YOUTHS FOR THEIR GANG FILES. THE UCI POLICE INVITED
16 ME TO SIT ON A PANEL TO INTERVIEW NEW POLICE CANDIDATES FOR THE
17 UCI POLICE DEPARTMENT LAST YEAR. I INTERVIEWED 24 CANDIDATES.

18 THE UCI POLICE HAVE AGREED, BECAUSE OF THE
19 CONCERN FROM THE STUDENTS, AS MISS INOUYE MENTIONED, TO NOT TAKE
20 PICTURES. THEY'VE NEVER TAKEN PICTURES AND WILL NOT. SO, POLICE
21 CAN ACTUALLY, ON THEIR OWN, DECIDE. SO, IT IS POSSIBLE TO SHOW
22 SOME LEADERSHIP HERE.

23 DR. HERNANDEZ: THANK YOU VERY MUCH.

24 I'D LIKE TO OPEN THE PANEL, NOW, FOR QUESTIONS
25 FROM THE PANEL.

1 MS. BUITRAGO: EARLIER THIS MORNING WE HEARD MR. CONLEY FROM
2 THE DISTRICT ATTORNEY'S OFFICE, TALKING ABOUT THE PREVENTATIVE
3 MEASURES THAT THE COUNTY POLICE ARE TAKING TO TRY TO DEAL WITH
4 THE GANG PROBLEM.

5 I'M JUST WONDERING IF YOU SEE ANY OF THAT
6 HAPPENING IN YOUR COMMUNITY, AND WHAT EFFORTS ARE PLAYED IF ANY.
7 MAYBE YOU CAN ANSWER THAT.

8 MS. CASTRO: IN ANAHEIM, YOU DON'T SEE ANY EFFORTS OF
9 COMMUNICATION. UNITED NEIGHBORS WAS FOUNDED IN DECEMBER. AT THE
10 FIRST MEETING, WE CONTACTED THE POLICE DEPARTMENT AND ASKED THEM
11 TO COME IN AND GIVE US SOME EXPLANATIONS OF THE PHOTOGRAPHING OF
12 MINORS; WHAT WAS THE LAW, WHAT WAS THE PROCEDURE.

13 CAPTAIN HEDGEBETH, [PHONETIC], ATTENDED, CAPTAIN SIEVERSON --
14 LIEUTENANT SIEVERSON, [PHONETIC]; AND I'M TRYING TO RECALL THE
15 OTHER -- SERGEANT CALLEY, [PHONETIC], FROM THE GANG DETAIL
16 ATTENDED THE MEETING. THEIR ATTITUDE WAS NOT ONE OF COOPERATION
17 OR COMMUNICATION.

18 FIRST OF ALL, THEY LOOKED THE ADULTS IN THE EYE
19 AND TOLD THEM THAT THEY HAD NO PARENTAL RIGHTS. QUOTE, END QUOTE
20 BY OFFICER CALLEY, "YOU HAVE NO PARENTAL RIGHTS TO REMOVE
21 PHOTOGRAPHS." AND THEY STATED THAT JUST CAUSE WAS ENOUGH REASON
22 TO TAKE PHOTOGRAPHS, AND JUST CAUSE COULD BE JUST ABOUT ANYTHING
23 THEY THOUGHT OF THAT DAY.

24 SO, THERE DIDN'T HAVE TO BE A CRIME; THERE HAD
25 TO BE NO PROOF OF A CRIME, NO ARREST. THEY COULD BE -- MINORS

1 COULD BE PHOTOGRAPHED JUST BECAUSE THE OFFICER FELT THAT HE HAD A
2 DARN GOOD REASON TO DO IT.

3 DR. HERNANDEZ: IN YOUR CONTACT WITH THE POLICE DEPARTMENT,
4 HAVE YOU BEEN GIVEN ANY CRITERIA THAT ARE BEING USED BY THE
5 POLICE TO CLASSIFY A PERSON THAT'S A GANG MEMBER OR A GANG
6 ASSOCIATE OR A GANG AFFILIATE? HAVE THE POLICE GIVEN THE
7 COMMUNITY ANY CRITERIA AT ALL, BY WHICH THEY CLASSIFY SOMEBODY
8 LIKE THAT?

9 MS. CASTRO: YES, I DO HAVE THAT AVAILABLE TODAY. IT IS IN
10 A PACKET THAT WAS TURNED IN ON BEHALF OF UNITED NEIGHBORHOODS TO
11 THE COMMISSION; BUT I -- IF I CAN GET A MINUTE, I CAN GET THAT
12 CRITERIA. YOU HAVE TO MEET TWO OF SIX CRITERIA TO BE LABELED AN
13 ASSOCIATE.

14 DR. HERNANDEZ: AND THAT IS FOR ANAHEIM?

15 MS. CASTRO: THIS IS A STATEMENT THAT WAS GIVEN TO US BY THE
16 PROBATION DEPARTMENT AT A MEETING TO GATHER INFORMATION ON WHAT
17 WAS THE GANG CRITERIA. THIS WAS PROVIDED BY A PROBATION OFFICER
18 AND AS A HANDOUT TO THAT -- TO THAT MEETING, AND IT'S GANG
19 IDENTIFIER, STATE OF CALIFORNIA PENAL CODE SECTION 186.22.

20 A GANG MEMBER IS ANY PERSON WHO ACTIVELY
21 PARTICIPATES IN ANY CRIMINAL STREET GANG WITH KNOWLEDGE THAT ITS
22 MEMBERS ENGAGE IN OR HAVE ENGAGED IN A PATTERN OF CRIMINAL
23 ACTIVITY AND WHO WILL TRY TO PROMOTE, FURTHER, OR ASSIST IN ANY
24 FELONIOUS CRIMINAL CONDUCT BY MEMBERS OF THAT GANG. THE MERE
25 FACT THAT THE INDIVIDUAL KNOWINGLY AND BY CHOICE ASSOCIATES AND

1 COMMITS CRIME WITH OTHER GANG MEMBERS.

2 A GANG MEMBER IS DETERMINED BY ANY THREE OF THE
3 FOLLOWING, AND THERE ARE NINE CRITERIA:

4 NO. 1, AN INDIVIDUAL WHO ADMITS AFFILIATION
5 WITH THE GANG.

6 CRITERIA 2, HAS TATTOOS IDENTIFYING THE
7 AFFILIATION.

8 CRITERIA 3, ASSOCIATES WITH OTHERS WHO
9 AFFILIATE WITH THE GANG.

10 NO. 4, WEARS COLORS, CLOTHING INDICATING GANG
11 AFFILIATION.

12 NO. 5, IS PRESENT IN A PHOTOGRAPH WITH GANG
13 AFFILIATES.

14 NO. 6, HAS BEEN IDENTIFIED BY OTHER GANG
15 AFFILIATES.

16 NO. 7, WRITES ABOUT HIS GANG AFFILIATION IN THE
17 FORM OF GRAFFITI.

18 NO. 8, A FAMILY MEMBER OR A RELATIVE WHO IS
19 AFFILIATED WITH A GANG. OTHER DOCUMENTS INDICATE AFFILIATION.

20 SO, YOU MUST MEET THREE OF THE FOLLOWING CRITERIA TO BE
21 CONSIDERED A GANG MEMBER.

22 IN ORDER TO BE A GANG ASSOCIATE, YOU MUST MEET
23 TWO OF THE FOLLOWING NINE CRITERIA:

24 AN INDIVIDUAL WHO ADMITS AFFILIATION WITH THE
25 GANG, HAS TATTOOS INDICATING AFFILIATION, ASSOCIATES WITH OTHERS

1 WHO AFFILIATE WITH A GANG -- SO, YOU CAN BE THREE TIMES REMOVED.
2 WEARS COLORS, CLOTHING INDICATING AFFILIATION, IS PRESENT IN A
3 PHOTOGRAPH WITH OTHER GANG AFFILIATES, HAS BEEN IDENTIFIED BY
4 OTHER GANG AFFILIATES, WRITES ABOUT HIS GANG AFFILIATION IN THE
5 FORM OF GRAFFITI, HAS FAMILY MEMBERS, RELATIVES AFFILIATED WITH
6 THE GANG. OTHER DOCUMENTS INDICATE AFFILIATION.

7 SO, PRETTY MUCH, BY THIS CRITERIA, JUST ABOUT
8 EVERY BOY SCOUT IN AMERICA COULD BE AFFILIATED WITH A GANG.

9 DR. HERNANDEZ: OTHER MEMBERS OF THE PANEL, ANY QUESTIONS?

10 MS. FUA: I KNOW YOU WEREN'T HERE, NECESSARILY, TO ANSWER
11 THIS QUESTION, BUT I'D BE INTERESTED IN KNOWING THE ANSWER TO
12 THIS QUESTION, WHICH IS: YOU'VE DOCUMENTED MANY INSTANCES OF
13 PROBLEMS WITH THE POLICE, AND SOME OF YOU HAVE MADE SUGGESTIONS
14 AS TO WAYS THAT IT COULD BE IMPROVED. I TOOK DOWN CITIZENS'
15 REVIEW PANEL, OPEN COMMUNICATION, NOT DOING ANY OF THESE SWEEPS.

16 THIS QUESTION IS TO ALL MEMBERS OF THE PANEL:
17 WHAT WOULD YOU IDEALLY LIKE TO SEE HAPPEN HERE?

18 MR. LOPEZ: IF I COULD ADDRESS THAT, AND I THINK IT GOES TO
19 THE PANEL MEMBER'S QUESTION BEFORE. IN 1996, IN MARCH, THE
20 DEPARTMENT OF JUSTICE, SPECIFICALLY THE ATTORNEY GENERAL
21 JANET RENO, HANDED DOWN A HUGE PACKET ON THE INTERNET; AND IT
22 CONCERNS CERTAIN THINGS ABOUT TRUANCY, CRIME, VIOLENCE,
23 EMPOWERING PARENTS TO TAKE CARE OF THEIR CHILDREN; AND
24 ULTIMATELY, PARENTS ARE RESPONSIBLE TO A POINT.

25 SOME OF THESE RECOMMENDATIONS -- AND I THINK

1 THERE WAS OVER 104 RECOMMENDATIONS. ONE OF THE KEY
2 RECOMMENDATIONS WAS THAT POLICE DEPARTMENTS MUST NOT BE
3 HEAVY-HANDED WITH YOUTH. NOW, WE'RE NOT TALKING ABOUT PEOPLE WHO
4 COMMIT CRIMES. EVERYBODY HERE WILL SAY THAT, AND WE SAID THIS
5 BEFORE ABOUT HAVING SAFE COMMUNITIES. THE PROBLEM IS, WHEN YOU
6 HAVE NO ALTERNATIVE OTHER THAN TO COME DOWN HEAVY ON YOUTH, THERE
7 IS NO ALTERNATIVE TO YOUTH TO STAY AWAY FROM THE POLICE. YOU'VE
8 HEARD SOME TRANSGRESSIONS THAT HAVE HAPPENED HERE TODAY.

9 IN THE PACKET I GAVE YOU, ONE OF THE PEOPLE
10 THAT'S IN THE PROGRAM, ESPECIALLY IN ANAHEIM HIGH SCHOOL, JUSTICE
11 PROJECT. WELL, LIKE THE GENTLEMAN SAID ON THE END, SCHOOL
12 WATCH/SENTRY HAS UNDER THE CALIFORNIA PENAL CODES, ASKED WHAT
13 WOULD THE JUSTICE PROJECT, AND SEE WHAT THE GRANT IS -- OR IF THE
14 GRANT, IN FACT, EMPLOYS OTHER THINGS THAT JUSTIFIES, BUT GOES TO
15 COMMUNITY SUPPORT, COMMUNITY OUTREACH, CHURCH OUTREACH.
16 EXCELLENT MENTORS, LIKE THE YOUNG MAN -- GENTLEMAN WE HAVE
17 OUTSIDE, AMIN DAVID FROM LOS AMIGOS OF ORANGE COUNTY. IT'S A
18 UNIFORM ALLIANCE BETWEEN THE POLICE AND THE COMMUNITY.

19 WHEN THE POLICE DON'T ASK THE COMMUNITY -- WE
20 HAVE ALL THIS GRANT MONEY. COME BRING YOUR BEST. COME TALK TO
21 THE STUDENTS, TELL THEM WHY WE NEED THE POLICE IN A CLIMATE WHERE
22 THERE IS DANGER, AND THE COMMUNITY WILL AGREE WITH THAT. THE
23 POLICE DON'T DO THAT, AND I THINK YOU'VE HEARD A NUMBER OF PEOPLE
24 HERE.

25 WE TALKED TO THE UCI POLICE IN THE PAST FOUR OR

1 FIVE WEEKS. YOU DO NOT HAVE THAT TYPE OF COMMUNICATION WITH THE
2 POLICE. THE GRANTS ARE OUT THERE. THE COMMISSION SHOULD MAKE
3 SOME TYPE OF RECOMMENDATION, AND I KNOW WHEN YOU LOOK AT ALL
4 THIS, THOSE GRANTS SHOULD BE SOUGHT AFTER WITH THE POLICE IN
5 COOPERATION WITH THE COMMUNITY, NOT AS A SWORD.

6 DR. HERNANDEZ: DO YOU THINK IT MIGHT BE FRUITFUL FOR THE
7 CHIEFS OF POLICE OF ORANGE COUNTY TO, MAYBE, HOLD A SUMMIT IN
8 WHICH THEY WOULD INVITE COMMUNITY MEMBERS TO COME AND SIT DOWN
9 WITH THEM AND TALK ABOUT SOME OF THEIR PROBLEMS?

10 MR. MASSEY: YOU BET YOU.

11 DR. HERNANDEZ: WOULD THAT BE SOMETHING YOU THINK WOULD BE
12 HELPFUL AND USEFUL?

13 MR. MENDOZA: I -- I'D LIKE TO ADDRESS THAT, IF I CAN. THE
14 QUICK ANSWER WOULD BE YES, BECAUSE THAT SOUNDS VERY GOOD; I MEAN,
15 TO HAVE ALL THESE HEADS OF DEPARTMENTS TOGETHER AND TO TALK
16 WITHIN THE COMMUNITY REGARDING THESE PROBLEMS.

17 HOWEVER, THE PROBLEM THAT I SEE IS THAT I
18 BELIEVE THAT THEY KNOW THAT THERE IS A PROBLEM. I MEAN, IT'S NOT
19 LIKE THEY HAVEN'T BEEN INFORMED, AND IT'S NOT LIKE -- FOR
20 EXAMPLE, IN THE CASE OF UNITED NEIGHBORHOODS, THEY HAVE NOT BEEN
21 APPRISED TO THE PROBLEM AND INVITED TO SPEAK TO THE COMMUNITY
22 MEMBERS AND THE ORGANIZATION ABOUT IT.

23 I THINK WHAT'S REALLY, REALLY DIFFICULT TO DEAL
24 WITH IN THIS SITUATION, ESPECIALLY WITH THE ANAHEIM P.D., IS THIS
25 KIND OF SIEGE MENTALITY THAT THE POLICE OFFICERS HAVE. I BELIEVE

1 THAT'S GOT TO -- THEY HAVE TO MAKE A CONSCIOUS EFFORT AND
2 COMMITMENT TO CHANGE THAT SIEGE MENTALITY, OKAY, BEFORE WE START
3 TALKING ABOUT MEETINGS AND SHAKING HANDS AND OFFERING
4 RECOMMENDATIONS; BECAUSE, LIKE, FOR EXAMPLE, IN THE CASES THAT I
5 TOLD YOU ABOUT, I THINK A LOT OF TIMES THEY USE -- LIKE, FOR
6 EXAMPLE, IN THE CASE OF GARY BRADFORD WHO WAS ON GANG TERMS AND
7 THE LIKE, THEY USE THAT AS A PRETEXT, I THINK, IN MY OPINION,
8 OKAY. THEY USE THAT AS A PRETEXT TO STOP HIM AND TO INTIMIDATE
9 HIM AND PHYSICALLY HARASS HIM.

10 THAT, TO ME, IS INDICATIVE OF A SIEGE
11 MENTALITY, AND IT'S BEEN BY A NUMBER OF OFFICERS, ACCORDING TO
12 GARY. SO, THAT'S GOT TO BE THE PROBLEM. THAT'S GOT TO BE
13 ADDRESSED FIRST; ALL RIGHT? AND RIGHT NOW, I HONESTLY BELIEVE
14 THAT WHAT'S GOING ON IS THAT THE WAGONS ARE STARTING TO CIRCLE,
15 OKAY. THE WAGONS ARE CIRCLED.

16 AND IN THE CASE OF THE ANAHEIM P.D., IN VIEW OF
17 THE FACT THAT THEY GOT HIT RECENTLY WITH A \$340,000 JUDGMENT IN
18 THE CASE INVOLVING STEVE NOLAN WHO WAS VICTORIOUS AGAINST THEM, I
19 THINK IT'S GOING TO BE DIFFICULT TO GET THEM TO COOPERATE IN VIEW
20 OF THAT EXAMPLE, OKAY? AND I MEAN, IT SOUNDS LIKE A VERY NICE
21 IDEA. IT REALLY DOES, AND I WILL BE ALL FOR IT.

22 DR. HERNANDEZ: IS THERE ANY OBJECTION, ON THE PART OF THE
23 COMMUNITIES, SITTING DOWN WITH ALL OF THE POLICE CHIEFS AND
24 TALKING THINGS OUT? IS THAT SOMETHING THAT YOU WOULD BE OPPOSED
25 TO?

1 MS. CASTRO: NO, IT'S NOT; BUT YOU KNOW WHAT I FOUND VERY
2 INTERESTING, THERE WAS NO ONE FROM THE ANAHEIM P.D. HERE TO TALK
3 ON THE PANEL. I MEAN, I DIDN'T SEE THEIR NAME HERE.

4 DR. HERNANDEZ: YES, MA'AM.

5 MS. CASTRO: I'D LIKE TO SAY THAT THE COMMUNITY IS NOT
6 OPPOSED TO IT. UNITED NEIGHBORHOODS WAS FOUNDED EXACTLY ON THAT
7 PRINCIPLE OF MEETING WITH THE POLICE TO DISCUSS AN INCIDENT.
8 THAT WAS EXACTLY THE PURPOSE OF THE ORGANIZATION: TO MEET WITH
9 THE POLICE, TO DISCUSS AN INCIDENT THAT MANY OF US HAVE
10 EYE-WITNESSED; THAT WE FELT WAS IMPROPER CONDUCT ON BEHALF OF THE
11 POLICE DEPARTMENT.

12 WE WERE NOT MET WITH THE -- ON BEHALF OF THE
13 OFFICERS THAT I MENTIONED BEFORE, SERGEANT CALLEY OF THE GANG
14 DETAIL, OFFICER MARK HEDGEBETH, AND LIEUTENANT SIEVERSON, WE WERE
15 NOT MET WITH AN AIR OF WANTING TO HAVE OPEN COMMUNICATION. WE
16 WERE BLATANTLY TOLD, "IT DOESN'T HAPPEN THAT WAY. NEVER MIND
17 WHAT YOU ADULTS ARE TELLING US HAPPENED THAT WERE EYE-WITNESSES.
18 IT DIDN'T HAPPEN THAT WAY. NO, YOU'RE WRONG. NO, YOU DON'T HAVE
19 ANY RIGHTS AS A PARENT."

20 DR. HERNANDEZ: SO, YOU WERE TOLD YOU DON'T HAVE ANY RIGHTS
21 AS A PARENT AT ALL?

22 MS. CASTRO: CORRECT. YOU HAVE NO RIGHTS AS A PARENT, IF
23 YOUR CHILD IS BEING PHOTOGRAPHED, TO SAY, "HEY, WAIT A MINUTE.
24 MY CHILD HAS NOT BEEN IN ANY TROUBLE. THERE'S NO CRIMINAL
25 RECORDS ON THIS CHILD; AND I AM THE PARENT, AND I'M TAKING

1 RESPONSIBILITY FOR THIS KID, AND I DO NOT WANT HIM PHOTOGRAPHED."

2 WE WERE TOLD BY OFFICER CALLEY, WHO IS IN
3 CHARGE OF THE GANG DETAIL, "NO, YOU HAVE NO PARENTAL RIGHTS."
4 SO, THE BOTTOM LINE IS, I FEEL THAT WE CAN'T COME TOGETHER IN A
5 FORUM WHERE ONE SEGMENT OF THE COMMUNITY VIEWS AN ATTITUDE AS A
6 PROBLEM AND THE OTHER SIDE HAS, TIME AND TIME AGAIN, SAID, "YOU
7 ARE WRONG. THERE IS NO PROBLEM. GET OVER IT. WE DON'T WANT TO
8 TALK ABOUT IT. WE DON'T WANT TO HEAR YOU WHINE ABOUT IT. JUST
9 GET OVER IT. THERE'S NOT A PROBLEM"; AND THAT'S WHERE THE
10 PROBLEM IS.

11 AS A MATTER OF FACT, I HAVE TO THANK THOSE
12 THREE OFFICERS FOR THEIR SMUG AND SNIDE RESPONSES; BECAUSE THANKS
13 TO THEM, THAT EVENING, UNITED NEIGHBORHOODS MADE A REAL
14 COMMITMENT TO MAKE CHANGES IN ANAHEIM. SO, I REALLY HAVE TO
15 THANK THEM FOR THEIR SNIDENESS.

16 MS. BUITRAGO: MR. MENDOZA, WHAT WOULD YOU SUGGEST IN TERMS
17 OF SUGGESTING THE FIRST EFFORTS, AS YOU WORDED IT, THE
18 PSYCHO-MENTALITY. WHAT SPECIFIC RECOMMENDATIONS? IF YOU DON'T
19 THINK THAT STARTING OFF WITH MEETING WITH THE POLICE LEADERS IS
20 GOING TO REALLY WORK, WHAT SPECIFIC RECOMMENDATION WOULD YOU LIKE
21 TO MAKE?

22 MR. MENDOZA: AT THIS POINT IN TIME, IN ALL CANDOR, I THINK
23 THE ONLY THING THAT'S GOING TO CHANGE THAT IS LITIGATION. THAT'S
24 WHAT I THINK. I THINK WE CAN MEET ALL WE WANT.

25 I WAS AT A MEETING WITH -- THE KOREAN MEETING

1 ORGANIZATION MET WITH THE CHIEF OF ORANGE DEPARTMENT AFTER A
2 KOREAN-AMERICAN WAS SHOT TO DEATH WITH 42 BULLETS IN HIS VEHICLE.
3 AND YOU KNOW, WE CAN TALK ALL YOU WANT; BUT WHAT WE NEED IS
4 CHANGES IN POLICY, AND A POLICY THAT ACTUALLY WILL TREAT
5 PEOPLE -- SAY THAT YOU WILL NOT DISCRIMINATE, YOU WILL NOT HARASS
6 PEOPLE, AND ALSO LEADERSHIP.

7 UCI POLICE DIDN'T TAKE PICTURES. WHY CAN'T THE
8 OTHER POLICE DO THAT? WHEN THEY CAME TO UCI -- THE IRVINE POLICE
9 DEPARTMENT, THE POLICEMEN DID NOT HAVE AN ANSWER FOR WHY THEY
10 TAKE PICTURES. "WHAT'S THE USE FOR IT?" THEY REALLY HAVE NO
11 ANSWER TO THAT.

12 SO, I THINK IT WOULD BE NICE FOR THE COMMISSION
13 TO RECOMMEND THAT THERE SHOULD BE NO PICTURES -- NO PICTURES OR
14 NO FILES KEPT ON PEOPLE, UNLESS ARRESTED.

15 MR. LOPEZ: IN ADDRESS TO THE RECOMMENDATION; IN THE BACK OF
16 THE ROOM, WE HAVE JOSE VARGAS FROM THE SANTA ANA POLICE
17 DEPARTMENT, WHO'S BEEN A MEMBER OF THE SANTA ANA POLICE
18 DEPARTMENT FOR A LONG TIME.

19 I ALSO HAVE TO SPEAK TO CERTAIN -- PERHAPS,
20 WHAT THE PANEL, NOT BEING FROM ORANGE COUNTY, DOESN'T KNOW ABOUT:
21 RECENTLY WE WERE INVOLVED IN A DIVERSION PROGRAM. SCHOOL
22 WATCH/SENTRY HELPED A YOUNG MAN WHO WAS PART OF A PROGRAM RUN BY
23 THE ORANGE COUNTY BAR ASSOCIATION, AND I DO HAVE TO TELL YOU THE
24 RECOMMENDATION FOR THAT YOUNG MAN TO BE DIVERTED OUT OF THE
25 JUVENILE JUSTICE SYSTEM CAME FROM A VERY FINE SANTA ANA POLICE

1 OFFICER WHO'S ON THE CAMPUS AT SANTA ANA UNIFIED. THAT'S OFFICER
2 KIRK MYER, [PHONETIC]; AND I HAVE TO TELL YOU THIS, FROM DEEP
3 DOWN INSIDE: I'VE HAD DEALINGS WITH THIS OFFICER FOR THE PAST
4 THREE YEARS. HE HAS STOOD OUT AS A SHINING STAR.

5 THOSE ARE THE POLICE OFFICERS THAT THE ORANGE
6 COUNTY BAR ASSOCIATION AND THE U.S. COMMISSION ON CIVIL RIGHTS
7 SHOULD LOOK FOR AND SAY, "WHAT MAKES YOU THE SHINING STAR?"

8 WELL, THE KEY ELEMENT IS TRUTH. IT IS THE TRUTH HE TELLS EVERY
9 DAY, BECAUSE HE REPRESENTS THE BEST INTEREST OF CHILDREN. THAT'S
10 THE TRUTH.

11 MS. CASTRO: TO THE QUESTION OF RECOMMENDATIONS, I BELIEVE
12 THAT THE ONLY VIABLE LASTING SOLUTION IS A CIVILIAN POLICE
13 COMMUNITY REVIEW BOARD. THAT IS THE ONLY VIABLE SOLUTION THAT
14 WILL NOT REVERT BACK TO THE SAME BEHAVIOR PATTERNS, AND THAT
15 WOULD BE A CIVILIAN -- THE COMMUNITY REVIEW BOARD WITH SUBPOENA
16 POWERS TO DO INVESTIGATIONS.

17 IF YOU WERE A BRAIN SURGEON, WOULD YOU CONDUCT
18 BRAIN SURGERY ON YOURSELF? YET, THAT'S WHAT WE ASK THE OFFICERS
19 TO DO. WE ASK ONE OFFICER TO INVESTIGATE MISCONDUCT OF ANOTHER
20 OFFICER. AND IN THE CASE OF THE CITY DEPARTMENT OF ANAHEIM, THE
21 OFFICER THAT IS IN CHARGE OF INVESTIGATING CLAIMS OF BRUTALITY IS
22 ONE WHO HAS BEEN CHARGED; AND HERE HE IS BEATING A MINOR. NOW
23 HE'S THE HEAD OF INTERNAL AFFAIRS. HE'S SUPPOSED TO MAKE SURE
24 THE OTHER GUYS FOLLOW THE RULES, AND HERE IS THE DEPOSITIONS OF
25 THE PEOPLE THAT HE'S BEATEN. I THINK THAT THAT'S RIDICULOUS.

1 SO, WE NEED AN OUTSIDE AGENCY THAT HAVE
2 SUBPOENA POWERS THAT CAN REVIEW POLICE FILES FOR COMPLAINTS; THAT
3 CAN SET POLICIES FOR REMOVAL OF POLICE OFFICERS AFTER A CERTAIN
4 AMOUNT OF COMPLAINTS. THAT IS THE ONLY VIABLE SOLUTION THAT IS
5 NOT GOING TO REVERT US BACK TO THIS BEHAVIOR WHEN THE SMOKE BLOWS
6 OVER.

7 OBVIOUSLY, THEY DON'T HAVE MUCH RESPECT FOR
8 LITIGATION; BECAUSE THREE YEARS AGO, DAN TSANG, IN THE PROJECT
9 AWARE, CAME UP WITH SOME POLICIES ON THE GANG IDENTIFIERS.

10 YOU'VE HEARD TESTIMONY ALL DAY TODAY. THESE
11 KIDS ARE STILL BEING STOPPED AND PHOTOGRAPHED. MANY OF THEM HAVE
12 NO AFFILIATION WITH GANGS. THEY SIMPLY LIVE IN AN AREA THAT IS A
13 TARGETED GANG AREA. THEY SIMPLY DRESS IN A FASHION THAT IS
14 FASHIONABLE FOR THE AREA IN WHICH THEY LIVE, THE SCHOOLS IN WHICH
15 THEY PARTICIPATE. THOSE ARE THE DRESS CODES OF THE YOUTH OF THE
16 COMMUNITY, THE STYLE.

17 AND SHAVED HEADS, WHAT IS THE LAW VIOLATION OF
18 SHAVED HEADS AND BAGGY CLOTHES? IF IT'S AGAINST THE LAW, LET'S
19 SHUT DOWN MILLER'S OUTPOST, OKAY.

20 DR. HERNANDEZ: I WANT TO THANK THE COMMUNITY PANEL FOR
21 TAKING TIME OUT OF YOUR DAY TO COME BEFORE US.

22 I APPRECIATE ALL OF THE INFORMATION YOU HAVE
23 GIVEN US; AND ALL OF THE DIFFERENT EXHIBITS, IF YOU WOULDN'T MIND
24 GIVING IT TO ONE OF OUR STAFF, THE U.S. COMMISSION ON CIVIL
25 RIGHTS STAFF MEMBERS, SO WE CAN ENTER IT INTO THE RECORD.

1 THANKS AGAIN. LET'S TAKE ABOUT A FIVE-MINUTE
2 RECESS IF WE COULD, AND THEN WE'LL CONVENE.

3 (AFTERNOON RECESS WAS TAKEN, 2:30 P.M.)
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C E R T I F I C A T E


I, KATHLEEN E. GEORGE, CALIFORNIA CSR NO. 11071, DO
HEREBY CERTIFY THAT PRIOR TO BEING EXAMINED, THE WITNESS NAMED
IN THE FOREGOING PROCEEDING WAS BY ME DULY SWORN TO TESTIFY THE
TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.

THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT TRANSCRIPT
OF MY SAID NOTES AND A FULL, TRUE, AND CORRECT STATEMENT OF SAID
TESTIMONY TO THE BEST OF MY ABILITY.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENTS
OF THE ACTION.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED AT LONG BEACH, CALIFORNIA,
THIS 11TH DAY OF JUNE, 1997.


KATHLEEN E. GEORGE, CSR NO. 11071

1 MR. HERNANDEZ: I'D LIKE TO CALL THE HEARING BACK TO
2 ORDER. THIS PANEL WILL GIVE LAW ENFORCEMENT THE OPPORTUNITY TO
3 GIVE US THEIR VIEWS AND THEIR INPUT AS TO HOW THEY SEE THE
4 PROBLEMS IN SOME OF THE TESTIMONY THAT WE HAVE GOTTEN THIS
5 MORNING AND WILL BE ABLE TO RESPOND TO THAT.

6 PRESENT TODAY ON THE LAW ENFORCEMENT PANEL ARE CHIEF
7 PAT MC KINLEY FROM THE FULLERTON POLICE DEPARTMENT; CHIEF STAN
8 KNEE FROM GARDEN GROVE; CHIEF LOREN DU CHESNE -- I HOPE I
9 PRONOUNCED THAT CORRECTLY -- FROM THE ORANGE COUNTY DISTRICT
10 ATTORNEY'S OFFICE AND THE BUREAU OF INVESTIGATION. AND ALSO --
11 I THINK I HAVE THIS RIGHT NOW -- DON E. HOLSTROM WHO IS THE
12 CHIEF OF DEPUTY PROBATION OFFICERS FROM THE ORANGE COUNTY
13 PROBATION DEPARTMENT; IS THAT CORRECT?

14 MR. HOLSTROM: THAT IS CORRECT. DR. SCHUMACHER IS IN
15 SACRAMENTO TODAY WORKING WITH THE LEGISLATIVE COMMITTEE AND
16 EXTENDS HIS APOLOGIES.

17 MR. HERNANDEZ: AND I SEE ANOTHER PANEL MEMBER THAT I
18 DON'T HAVE LISTED HERE. SO WHY DON'T I DO THIS: STARTING FROM
19 MY LEFT, COULD I ASK, FOR THE RECORD, THAT EACH MEMBER OF THE
20 PANEL IDENTIFY THEMSELVES?

21 MS. MAC DOUGALL: I'M MARILYN MAC DOUGALL, EXECUTIVE
22 DIRECTOR OF DRUG USE IS LIFE ABUSE AND PROJECT NO GANGS.

23 MR. COOK: I'M CHIEF JAMES COOK FROM THE CITY OF THE
24 WESTMINSTER. I'M CHAIRMAN OF THE GANG STEERING COMMITTEE.

25 MR. HOLSTROM: DON HOLSTROM, CHIEF DEPUTY PROBATION

1 OFFICER OF ORANGE COUNTY.

2 MR. MC KINLEY: PATRICK MC KINLEY. I'M THE CHIEF OF
3 POLICE OF FULLERTON.

4 MR. DU CHESNE: I'M LOREN DU CHESNE, CHIEF WITH THE
5 DISTRICT ATTORNEY'S BUREAU OF INVESTIGATION.

6 MR. HERNANDEZ: THANK YOU VERY MUCH. I APPRECIATE YOUR
7 BEING WITH US.

8 WHO WOULD LIKE TO -- WELL, I THINK WHAT HAPPENED IS
9 WE HAVE -- IT'S NOT ACCORDING TO MY LIST. IT'S CHANGED SOME,
10 BUT LET'S GO WITH THE PANEL THAT WE HAVE, BECAUSE THAT'S
11 REALITY. SO WHO WOULD LIKE TO GO FIRST? OKAY. CHIEF. PLEASE
12 IDENTIFY YOURSELF AGAIN.

13 MR. MC KINLEY: MR. CHAIRMAN, MY NAME IS PAT MC KINLEY.
14 I'M THE CHIEF OF POLICE FOR FULLERTON. MY POSITION HERE,
15 BEFORE THE COUNCIL, IS TO EXPLAIN THE RELATIONSHIP BETWEEN THE
16 ORANGE COUNTY CHIEFS AND THE SHERIFF'S ASSOCIATION AND THE
17 ORANGE COUNTY HUMAN RELATIONS COMMISSION. I'M ALSO A
18 COMMISSIONER ON THE ORANGE COUNTY HUMAN RELATIONS COMMISSIONS
19 REPRESENTING THE THIRD DISTRICT. I WAS APPOINTED BY SUPERVISOR
20 GETTY VASQUEZ AND HAVE HELD THAT POSITION THROUGH SUPERVISOR AL
21 GARELI AND THE CURRENT SUPERVISOR, TODD SPENCER.

22 UNFORTUNATELY, THE EXECUTIVE DIRECTOR CANNOT BE HERE
23 THIS AFTERNOON -- RUSTY KENNEDY. HIS FATHER IS GRAVELY ILL,
24 AND HE'S AT HIS BEDSIDE. SO HE WON'T BE HERE. HE CALLED ME,
25 AND ASKED IF I WOULD ALSO RELATE A FEW ITEMS TO THE

1 COMMISSION. SO YOU CAN SCRATCH RUSTY KENNEDY, AND IT WILL MAKE
2 IT A LITTLE BIT FASTER.

3 THE ORANGE COUNTY HUMAN RELATIONS COMMISSION AND THE
4 ORANGE COUNTY CHIEFS AND SHERIFF'S ASSOCIATION HAVE A VERY
5 UNIQUE RELATIONSHIP. PERHAPS YOU WON'T FIND ANYTHING IN A
6 COUNTY OF THIS SIZE ANYPLACE ELSE IN THE COUNTRY. I DON'T KNOW
7 ANYPLACE WHERE A CHIEF OF POLICE IS A MEMBER OF THE HUMAN
8 RELATIONS COMMISSION. AS SUCH, WE WORK VERY CLOSELY TOGETHER.
9 IT IS NOT AN ADVERSARIAL POSITION AT ALL. IT IS VERY CORDIAL.
10 THE DIRECTOR COMES TO OUR MEETINGS -- OUR MONTHLY MEETINGS.
11 AND ANY CHIEF OR ANY MEMBER OF THE COMMITTEE, ACTUALLY, IS
12 ALWAYS WELCOME AT THE HUMAN RELATION COMMISSION MEETINGS.

13 I WOULD LIKE TO POINT OUT SOME OF THE THINGS THAT
14 RUSTY KENNEDY ASKED ME TO BRING TO THE COMMISSION --
15 UNDERSTANDING THAT OUR COUNTY OF 2.6 MILLION PEOPLE IS THE
16 FIFTH LARGEST COUNTY, I THINK, IN THE COUNTRY AND
17 POPULATIONWISE. SO WE ARE VERY BIG, AND WE DO WORK VERY
18 CLOSELY TOGETHER. PROBABLY AS CLOSE AS I'VE SEEN CHIEFS WORK,
19 IN ANY AREA, IN ANY COUNTY.

20 SOME THINGS THAT RUSTY ASKED ME TO BRING FORWARD TO
21 YOU IS THAT THE COLLABORATIVE EFFORT OF THE CHIEFS OF POLICE
22 AND THE HUMAN RELATIONS COMMISSION CREATED A HATE CRIME
23 NETWORK. THE COMMISSION -- THROUGH THE CHIEFS OF POLICE --
24 WE PUBLISH A QUARTERLY REPORT ON HATE CRIME. IT'S BEEN --
25 THAT'S BEEN IN OPERATION FOR SIX YEARS. AND THE COMMISSION

1 MEETS WITH THE OFFICERS AND THE CITIZENS TO TRY TO STOP HATE
2 CRIME AND THE TERRIBLE THINGS THAT IT CREATES. THIS IS, I
3 THINK -- I'M VERY, VERY PROUD OF IT, AS IS THE COMMISSION -- A
4 LANDMARK AS FAR AS TRYING TO FIGHT HATE CRIME.

5 WE HAVE A COUNTYWIDE PROTOCOL ON HATE CRIME AND HOW
6 WE WILL REPORT IT WITHIN THE ORANGE COUNTY CHIEFS AND SHERIFF'S
7 ASSOCIATION. THE HUMAN RELATIONS COMMISSION SPONSORS A
8 COMMUNITY-BASED POLICING AWARD -- THAT'S YEARLY -- FOR THOSE
9 DEPARTMENTS THAT HAVE SOME KIND OF A THING THAT HAS A COMMUNITY
10 OPERATION AND COMMUNITY COOPERATION AND BRINGS THE BUSINESS
11 COMMUNITY AND THE ENFORCEMENT COMMUNITY TOGETHER. AND WE'RE
12 VERY, VERY PROUD OF THE RESULTS OF THAT.

13 THE COMMISSION PROVIDES MEDIATION BETWEEN INDIVIDUAL
14 GROUPS AND THE COMMUNITY AND THE DEPARTMENTS. OUR OWN
15 INDIVIDUAL DEPARTMENT, THE FULLERTON POLICE DEPARTMENT, WAS A
16 RECIPIENT OF THAT AT ONE TIME, WHEN WE HAD SOME PROBLEMS AT
17 FULLERTON COLLEGE. THE COMMISSION CAME IN WITH RUSTY AND
18 HELPED US MEDIATE WITH THE COMMUNITY REGARDING THAT. THEY HAVE
19 DONE THE SAME THING WITH THE KOREAN COMMUNITY AND ORANGE POLICE
20 DEPARTMENT AND THE SAME THING WITH THE VIETNAMESE COMMUNITY AND
21 WESTMINSTER POLICE DEPARTMENT.

22 THE COMMISSION PROVIDES POLICE ETHNIC TRAINING AT
23 ALL THE VARIOUS POLICE TRAINING FACILITIES IN THE COUNTY, AND
24 IT USES AN ORGANIZATIONAL DEVELOPMENT APPROACH IN PROVIDING
25 THAT TRAINING. THAT GIVES YOU A LITTLE OVERSIGHT OF THE ORANGE

1 COUNTY HUMAN RELATIONS COMMISSION AND THEIR RELATIONS WITH THE
2 ORANGE COUNTY CHIEFS OF POLICE ASSOCIATIONS. SO I THINK IT WAS
3 VERY IMPORTANT THAT YOU, AS THE BOARD MEMBERS, UNDERSTAND THAT
4 WE DO NOT HAVE AN ADVERSARIAL RELATIONSHIP WITH YOU AT ALL.
5 AND NOW I'D LIKE TO PASS THE DISCUSSION TO DON.

6 MR. HOLSTROM: THANK YOU VERY MUCH. I'LL REPEAT FOR THE
7 RECORD, DON.HOLSTROM, CHIEF DEPUTY, ORANGE COUNTY PROBATION
8 DEPARTMENT.

9 I'M HERE THIS AFTERNOON TO DISCUSS OUR STUDIES WITH
10 CHRONIC REPEAT JUVENILE OFFENDERS. IT'S BEEN REFERRED TO
11 NATIONWIDE AS THE 8 PERCENT RESEARCH OR THE 8 PERCENT PROBLEM.
12 WE PREFER TO CALL IT THE 8 PERCENT EARLY INTERVENTION PROGRAM.
13 IN ESSENCE, WE ARE EXPERIMENTING WITH NEW WAYS TO APPROACH
14 JUVENILE CRIME. AND THE GOAL IS TO SPEND MORE TIME SERVICES ON
15 THOSE WHO NEED IT AND LESS ON THOSE WHO DO NOT NEED OUR
16 SERVICES.

17 A STUDY CAME ABOUT IN THE MID-80'S WHEN THE COUNTY
18 BOARD OF SUPERVISORS, LAW ENFORCEMENT, CHIEF PROBATION
19 OFFICERS, TAXPAYERS, ET CETERA, QUESTIONED US ABOUT OUR SUCCESS
20 RATE. WE, TOO, WERE QUESTIONING HOW EFFECTIVE WE ARE WITH
21 CERTAIN OFFENDERS. WE'RE RESPONSIBLE FOR BOTH JUVENILE AND
22 ADULT OFFENDERS, WHO HAVE TERMS AND CONDITIONS OF PROBATION
23 ESTABLISHED BY THE COURT. AND WHILE SERVING AS AN
24 ADMINISTRATIVE ARM OF THE COURT, IT IS OUR RESPONSIBILITY TO
25 ENFORCE THE COMPLIANCE WITH THOSE TERMS AND CONDITIONS OF

1 PROBATION.

2 BUT WE INITIATED A 7-YEAR STUDY THAT WAS CONCLUDED
3 IN 1993. THE RESULTS WERE PUBLISHED THE FOLLOWING YEAR. IN
4 ESSENCE, WE ESTABLISHED TWO SETS OF FIRST-TIME OFFENDERS
5 TOTALING APPROXIMATELY 6,400 ORANGE COUNTY YOUTH, WHO WERE
6 REFERRED TO US FOR THE FIRST TIME.

7 MR. HERNANDEZ: WOULD YOU BE ABLE TO MAKE THE STUDY
8 AVAILABLE TO THE PANEL?

9 MR. HOLSTROM: CERTAINLY. IT WILL BE A PRIVILEGE.

10 MR. HERNANDEZ: THANK YOU VERY MUCH.

11 MR. HOLSTROM: THE GOOD NEWS CONCERNING THE OUTCOME IS
12 THAT 70 PERCENT OF THE YOUNG PEOPLE THAT WERE BROUGHT TO OUR
13 ATTENTION DO NOT COMMIT A SECOND OFFENSE -- CONTRARY TO PUBLIC
14 OPINION.

15 22 PERCENT IS THE AVERAGE JUVENILE PROBATIONER.
16 THEY'VE COMMITTED ONE OR TWO MORE CRIMES PRIOR TO ENDING THEIR
17 CRIMINAL CAREERS. THE PRIMARY FOCUS WAS SUBSEQUENTLY GIVEN TO
18 THE 8 PERCENT WHO WERE COMMITTING 3 TO 14 ADDITIONAL OFFENSES.
19 THE 8 PERCENT ARE RESPONSIBLE FOR 55 PERCENT OF THE REPEATED
20 JUVENILE CRIME IN THE COUNTY OF ORANGE. THEY AVERAGE 8 CRIMES
21 OR PROBATION VIOLATIONS APIECE, AND THEY AVERAGE APPROXIMATELY
22 19 MONTHS OF INCARCERATION AS BOTH JUVENILE AND ADULT
23 OFFENDERS.

24 THIS PROJECT HAS ATTRACTED NATIONWIDE ATTENTION.
25 THE STUDY HAS BEEN DUPLICATED AT OTHER CALIFORNIA

1 JURISDICTIONS. AND IN LOS ANGELES, FOR EXAMPLE, THEY FOUND
2 THAT THEIR CHRONIC REPEAT OFFENDERS WERE NUMBERING CLOSER TO 16
3 PERCENT AS COMPARED TO OUR 8 PERCENT.

4 THE PROFILE OF THE REPEAT OFFENDER, THESE YOUNG
5 PEOPLE -- AND THEY'RE IDENTIFIED BY THREE OR FOUR OF THE RISK
6 FACTORS THAT I'M GOING TO BRIEFLY OUTLINE FOR YOU: THEY ARE 15
7 YEARS AND YOUNGER; THEY HAVE A HISTORY OF FAILING IN SCHOOL, OR
8 THEY DO NOT ATTEND AT ALL; THEY HAVE DISRUPTED FAMILIES AS A
9 RESULT OF DIVORCE, ABUSE, ILLNESS, FAMILY MEMBERS IN JAIL,
10 OTHER ASPECTS OF DYSFUNCTION; THERE'S MORE THAN A CASUAL USE OF
11 DRUGS AND ALCOHOL. IT'S ROUTINE USE. THE DELINQUENCY FACTORS
12 ALSO MAKE REFERENCE TO POOR PEER GROUP, A PATTERN OF THEFTS, A
13 RUNAWAY PATTERN, ET CETERA. MOST HAVE NOT COMMITTED SERIOUS
14 CRIMES AS YET, AND 16 PERCENT IN THIS AGE CATEGORY ARE
15 IDENTIFIED FOR GANG-RELATED INVOLVEMENT. AND OUR STUDY
16 REVEALED THAT BY AGE 16, IT HAD EXPANDED TO 65 PERCENT.

17 THE KEY CHARACTERISTIC ALSO INVOLVES THE FAMILY'S
18 INABILITY OR IN SOME OCCASIONS THE UNWILLINGNESS TO PROVIDE
19 SUPERVISION, STRUCTURE, AND SUPPORT FOR THEIR CHILD'S
20 DEVELOPMENT. PARENTS DO NOT KNOW WHERE THEIR CHILD IS, THEIR
21 FRIENDS, OR THEIR ACTIVITIES, AND SEEM TO HAVE LITTLE OR NO
22 INFLUENCE OVER HOW THEY SPEND THEIR TIME.

23 THE COST OF THE COMMUNITY, AS WELL AS TO THESE YOUNG
24 PEOPLE, IS EXPENSIVE. THEY ARE VICTIMIZING THE COMMUNITY WITH
25 THEIR REPEATED OFFENSES. THEY'RE AVERAGING THOSE 8 LAW

1 VIOLATIONS APIECE THAT I MENTIONED. THEY'RE FILLING THE COURT
2 CALENDARS; THEY ARE CHOKING OUR INSTITUTIONS; AND THE NUMBER
3 THAT ARE IDENTIFIED EACH YEAR IS APPROXIMATELY 500 ORANGE
4 COUNTY YOUTHS THAT FIT INTO THIS 8 PERCENT CRITERIA.

5 THE 19 MONTHS THAT THEY ARE SPENDING, ON THE
6 AVERAGE, IN OUR INSTITUTIONS IS COSTING THE TAXPAYERS
7 APPROXIMATELY \$44,000 IN CUSTODY CASES ALONE. OUR CURRENT
8 PLAN -- AND ALTHOUGH IT HAS BEEN SLOWED UP SOMEWHAT BY ORANGE
9 COUNTY'S BANKRUPTCY -- WAS TO TAKE ADVANTAGE A PILOT STUDY THAT
10 WE HAVE INITIATED IN THE CITIES OF ANAHEIM AND BUENA PARK. WE
11 ENJOY A VERY POSITIVE AND CONSTRUCTIVE WORKING RELATIONSHIP
12 WITH THE POLICE CHIEFS, WITH THE SCHOOL ADMINISTRATORS, AND AN
13 EXTENSIVE VARIETY OF COMMUNITY-BASED ORGANIZATIONS: HEALTH,
14 WELFARE, RECREATION, EMPLOYMENT OPPORTUNITIES, ET CETERA. OUR
15 AIM IS TO WORK WITH THE ENTIRE FAMILY AND TO ADDRESS THE SOCIAL
16 PROBLEMS THAT ARE IDENTIFIED WITHIN THAT FAMILY.

17 WE ARE STRIVING FOR A BALANCED APPROACH THAT ENTAILS
18 COMMUNITY PROTECTION HOLDING OFFENDERS MORE ACCOUNTABLE AND
19 STRIVING FOR INTERVENTION BY RESTRUCTURING THE FAMILY OR AT
20 LEAST OFFERING THEM THE OPPORTUNITY TO TAKE ADVANTAGE OF
21 COMMUNITY-BASED RESOURCES. THOSE ARE THE HIGHLIGHTS, AND I'LL
22 OPEN IT LATER FOR QUESTIONS.

23 MR. HERNANDEZ: WHO IS NEXT?

24 MR. HOLSTROM: POLICE CHIEF COOK IS NEXT, I BELIEVE.

25 MR. COOK: OKAY. MEMBERS OF THE COMMISSION, AGAIN, TO

1 RESTATE MY NAME, I'M JIM COOK. I'M POLICE CHIEF FOR THE CITY
2 OF WESTMINSTER, AND I'M ALSO THE CHAIRMAN OF THE GANG STRATEGY
3 STEERING COMMITTEE. I'D LIKE TO TELL YOU ABOUT THE GANG
4 STRATEGY STEERING COMMITTEE AND WHAT THE ORANGE COUNTY POLICE
5 CHIEFS AND THE SHERIFF'S ASSOCIATION HAS DONE. THIS IS A
6 COMMITTEE THAT WE FORMED TO LOOK AT WAYS TO HELP REDUCE THE
7 NUMBER OF GANG CRIMES AND ADDRESS THE PROBLEM IN A SYSTEMATIC
8 WAY COUNTYWISE.

9 WE HAVE COME TOGETHER AS AN ASSOCIATION, IN A RATHER
10 LARGE COUNTY, TO DEAL WITH THIS PROBLEM IN A COORDINATED WAY.
11 WITHOUT THIS COORDINATION AND WITHOUT THE COOPERATION, IT'S
12 VERY DIFFICULT TO ACHIEVE THE TYPE OF RESULTS THAT WE WANT TO
13 ACHIEVE. FOR ONE THING, IN A HIGHLY URBANIZED COUNTY SUCH AS
14 ORANGE, YOU CAN GO FROM ONE CITY TO ANOTHER AND IT SIMPLY MEANS
15 YOU CROSS THE STREET, AND WHEN THE LIGHT CHANGES, THEN YOU'RE
16 IN ANOTHER CITY.

17 SO ORANGE COUNTY IS VERY, VERY FAMOUS FOR
18 COORDINATION AND COOPERATION. WE HAVE JOINT RADIO SYSTEMS. WE
19 HAVE A LOT OF SYSTEMS TOGETHER, AND THE CHIEFS FORMED THIS
20 COMMITTEE TO DEAL WITH WHAT WE SAW AS A VERY, VERY SERIOUS
21 PROGRAM.

22 I BROUGHT SOME OVERHEADS TODAY. I DON'T REALLY SEE
23 A WAY TO SET THOSE UP, BUT IN THE INTEREST OF TIME, I'LL MOVE
24 THROUGH THIS. BUT TO STAY WITH THE GANG STEERING COMMITTEE, WE
25 FORMED THE COMMITTEE TO DEAL WITH THE MOST VIOLENT AND

1 DIFFICULT MECHANISM IN SOCIETY TODAY THAT CREATES A LOT OF
2 CRIME. AND WE WANTED TO ADDRESS NOT ONLY THE UNEXPLAINED RISE
3 IN VIOLENCE IN ORANGE COUNTY, I CAN TELL YOU THAT BY THE YEAR
4 -- FURTHER DEMOGRAPHIC DATA. IN ORANGE COUNTY YEARS 15 TO 19
5 WILL INCREASE 10 PERCENT BY THE YEAR 2000. SO WE WILL SEE A 10
6 PERCENT INCREASE. AND IN THE CRIMINAL JUSTICE SYSTEM, THIS
7 WILL BRING A TREMENDOUS BURDEN ON A SYSTEM THAT'S ALREADY
8 OVERLOADED.

9 AND SO THE COMMITTEE WAS FORMED TO LOOK AT
10 PREVENTION, DIVERSION, WAYS WE COULD KEEP YOUNG PEOPLE OUT OF
11 THE SYSTEM, AND ALSO, QUITE FRANKLY, A LAW ENFORCEMENT METHOD
12 THAT WE COULD USE TO CRACK DOWN ON GANG LEAGUES. AND THESE
13 PEOPLE ARE HERE NOW, SO THESE FIGURES ARE NOT PROJECTIONS.
14 THEY'RE ACTUAL.

15 THERE WILL BE A 10 PERCENT INCREASE IN THE 15 AND
16 19-YEAR-OLD AGE GROUP BY THE YEAR 2000, THREE YEARS FROM NOW --
17 MAYBE TWO AND A HALF. AND BY THE YEAR 2010, THERE WILL BE A 61
18 PERCENT INCREASE IN YOUNG PEOPLE IN THE HIGH-CRIME PRONE AGE OF
19 15 TO 19 YEARS.

20 SO AS A METHOD TO ADDRESS THIS DEMOGRAPHIC CHANGE,
21 WE HAVE CREATED THE GANG STEERING COMMITTEE. IT HAS -- ONE
22 MORE STATISTIC THAT I FIND ABSOLUTELY STARTLING ABOUT ORANGE
23 COUNTY. THERE, ALSO, IS IN THIS COUNTRY AN UNEXPLAINED RISE IN
24 VIOLENCE AMONG YOUNG PEOPLE. WE HAVE ALL SEEN THE STUDIES FROM
25 THE NATIONAL INSTITUTE OF JUSTICE, AND WE KNOW THAT VIOLENCE IS

1 INCREASING IN SCOPE AND -- I HATE TO USE THE WORD -- QUALITY,
2 BUT IT'S BECOME MUCH MORE SERIOUS. AND SO WHEN I READ THE
3 STUDY BY OLENSKI'S IN ATLANTIC MONTHLY, 1995, WE BEGAN
4 GATHERING DATA ON WHAT THE UNEXPLAINED RISE IN VIOLENCE WAS.
5 YOU CAN LOOK AT MILWAUKEE, WISCONSIN -- AND THIS IS STRAIGHT
6 FROM OLENSKI'S ARTICLE IN ATLANTIC MONTHLY, 1995.

7 HE SAID, LET'S LOOK AT A CITY: MILWAUKEE. AND IN
8 MILWAUKEE -- JUST IN THE THREE MOST VIOLENT CRIMES: MURDER,
9 RAPE, AND ROBBERY -- HE SAID, IN 1960, THERE WERE 27 HOMICIDES
10 IN THE CITY OF MILWAUKEE. AND IN 1990, THERE WERE 165 FOR A
11 511 PERCENT INCREASE. AND HE WENT DOWN TO RAPES AT 33 IN 1960
12 AND 598 IN 1990. AND ROBBERY HAS THE SAME ASTRONOMICAL
13 INCREASE.

14 SO THE NEXT THING YOU WOULD SAY IS, WELL, OKAY.
15 THAT'S FINE. BUT HAD THE POPULATION INCREASED? NO. THE
16 POPULATION ACTUALLY WAS SMALLER IN 1990 THAN IT WAS IN 1960.
17 SO WE SEE AN UNEXPLAINED RISE IN VIOLENCE.

18 SO WE PULLED THE FIGURES IN MY AGENCY AND LOOKED AT
19 THE INCREASE IN ORANGE COUNTY. ACROSS THE BOARD 2.6 MILLION
20 PEOPLE. IN 1966, IN ORANGE COUNTY, WE HAD 29 HOMICIDES; IN
21 1990, WE HAD 149 FOR A 414 PERCENT INCREASE. RAPES IN 1966, WE
22 HAD 150; AND IN 1990, WE HAD 607. AND ROBBERIES IN 1966, WE
23 HAD 503; AND IN 1990, WE HAD 5,212 IN ORANGE COUNTY. AND
24 THAT'S A 900 PERCENT INCREASE.

25 AND THE NUMBER OF HOMICIDES, WHICH IS A PRETTY SOLID

1 FIGURE IN CRIME STATISTICS, IT'S PRETTY HARD TO DISREGARD AND
2 GET PERSONAL. THERE'S 414 PERCENT INCREASE. YOU SAY, WELL, WE
3 KNOW THAT THE POPULATION IN ORANGE COUNTY HAS INCREASED; AND IT
4 HAS INCREASED ABOUT 69 PERCENT. SO IT HAS NOT INCREASED
5 ANYWHERE NEAR THE AMOUNT THAT VIOLENT CRIME IN ORANGE COUNTY
6 HAS INCREASED.

7 SO WHEN THE CHIEFS EN BANC LOOKED AT THIS, WE SAW
8 THAT WE HAD A RATE OF VIOLENT CRIME THAT'S INCREASING RAPIDLY.
9 WE HAVE A RAPID INCREASE IN THAT PORTION OF THE POPULATION, THE
10 15- TO 19-YEAR-OLD AGE GROUP THAT COMMIT THE MOST VIOLENT
11 CRIME, HISTORICALLY; AND THREE, UNFORTUNATELY, WE'VE HAD A
12 SEVERE INCREASE OVER THE LAST 5, 10 YEARS IN THE NUMBER OF
13 GANGS IN ORANGE COUNTY. SO WHEN YOU PUT THESE THREE FACTORS
14 TOGETHER, WE FELT THAT WE WOULD HAVE TO DO SOMETHING TO
15 INTERVENE.

16 SO WE CREATED THREE ELEMENTS IN THE POLICE CHIEFS
17 ASSOCIATION AND IN THE GANG STEERING COMMITTEE. FIRST IS
18 MULTI-AGENCY, INTERDISCIPLINARY COOPERATION, AND COMMITMENT TO
19 COMMON STRATEGIC GOALS -- ALL OF THE AGENCIES IN ORANGE
20 COUNTY. WE LOOKED AT A WIDE VARIETY OF GOVERNMENT AND
21 NONGOVERNMENT ORGANIZATIONS: PUBLIC SCHOOLS, BOYS AND GIRLS
22 CLUBS, BUSINESSES, PARTICIPATION IN PLANNING SESSIONS, GANG
23 ABATEMENT PROGRAMS. WE ARE WORKING VERY HARD ON ALL OF THESE.

24 THE SECOND MAJOR PART OF THE GANG STEERING COMMITTEE
25 IS THE PLAN AND ACTION THROUGH THE FULL RANGE OF ANTIGANG

1 TACTICS. THE ORANGE COUNTY STRATEGY INCLUDES CONTINUOUS,
2 COOPERATIVE DEVELOPMENT OF PLANS AND IMPLEMENTATION OF PROGRAMS
3 IN FIVE AREAS OF TACTICS INCLUDING SUPPRESSION, ENFORCEMENT,
4 INTERVENTION, EDUCATION, AND PREVENTION, AND SPECIFIC PROJECTS
5 AND PROGRAMS AT EACH OF THESE TACTICAL AREAS, SOME OF WHICH ARE
6 DESCRIBED IN MORE DETAIL LATER ON.

7 BUT WHAT I WILL TELL YOU IS THAT WE HAVE BEEN FAIRLY
8 SUCCESSFUL. WE ARE CONTINUING TO DO DIFFERENT THINGS. ONE OF
9 THE THINGS IS THE COMMITTEE HAS SPONSORED TWO GRANTS. ONE
10 GRANT WAS FROM THE COPS OFFICE IN THE JUSTICE DEPARTMENT FOR
11 ALMOST A MILLION DOLLARS. THAT MONEY IS BEING DISBURSED
12 THROUGH THE GANG STEERING COMMITTEE TO AREAS OF NEED. IT GOES
13 TO BOTH PREVENTION AND SUPPRESSION PURPOSES. A SECOND GRANT
14 WAS GIVEN TO US BY THE GOVERNOR OF THE STATE, OF \$750,000, LAST
15 YEAR. AND, AGAIN, IT'S BEEN EVENLY DISTRIBUTED BETWEEN
16 RESEARCH, PREVENTION, AND SUPPRESSION PROGRAMS. WE BELIEVE
17 THAT YOU LEAVE OUT ANY PART OF THE PUZZLE IN GANG ABATEMENT, IN
18 AN EFFORT TO CONTROL GANGS, THAT YOU ARE WEAKENING THE OTHER
19 PART.

20 FOR EXAMPLE, THE TARGET PROGRAM, WHICH HAS WON THE
21 NATIONAL LEAGUE OF CITIES MOST INNOVATIVE PROGRAM AWARD, HAS
22 SPREAD ACROSS THE COUNTRY. IT'S BEING LOOKED AT BY CHICAGO, BY
23 PHOENIX, AND SOME OTHER CITIES, THAT HAVE COME TO VISIT US AND
24 LOOK AT THE TARGET PROGRAM. IT, ALSO, HAS SPREAD AND WILL
25 CONTINUE TO SPREAD IN CALIFORNIA.

1 THE ORIGINAL TARGET PROGRAM WAS TO THE CITY OF
2 WESTMINSTER, AND OVER THE YEARS -- AND WE HAVE A FIVE-YEAR
3 TRACK RECORD AND I WON'T BORE YOU WITH ANOTHER CHART AND
4 EVERYTHING ELSE -- BUT OUR FIVE-YEAR TRACK RECORD SHOWS THAT WE
5 REDUCED, IN THE CITY OF WESTMINSTER, GANG-RELATED PART I, FBI
6 CRIME BY 50 PERCENT. WE HAVE CUT THE GANG CRIME RATE IN HALF.
7 NOT ONLY THAT, WE HAVE TAKEN A STRATEGIC POSITION WHEREIN WE
8 NOW FIND THAT PREVENTION PROGRAMS ARE HAVING A MUCH EASIER TIME
9 MOVING IN BEHIND THE SUPPRESSION PROGRAM.

10 NOW, TARGET IS BASED ON TWO CONCEPTS. THE FIRST
11 CONCEPT IS WE IDENTIFY THE MOST VICIOUS, THE MOST -- THE GANG
12 LEADERS, AND THIS IS DONE THROUGH A SERIES OF ASSESSMENTS.
13 ONCE THEY'RE IDENTIFIED, THE TARGET TEAM CONCENTRATES ITS
14 EFFORT TOWARDS THOSE INDIVIDUALS THAT PRECIPITATE THE MOST
15 VIOLENCE.

16 THE SECOND PART OF THE TARGET TEAM IS THAT WE HAVE
17 REARRANGED SERVICE DELIVERY WITHIN THE CRIMINAL JUSTICE
18 SYSTEM. WE HAVE COMBINED WITH PROBATION, THE DISTRICT
19 ATTORNEY'S OFFICE, AND POLICE. THIS SMALL TEAM IS PLACED ON
20 THE FRONT END OF THE CRIMINAL JUSTICE SYSTEM INSIDE THE POLICE
21 BUILDING. AND THAT'S A CRITICAL PART OF THIS.

22 THE DISTRICT ATTORNEY IS ABLE TO CONSTRUCT HIS CASE,
23 FROM DAY ONE, AGAINST THE INDIVIDUAL GANG LEADER WHO HAS BEEN
24 TARGETED. PROBATION IS THERE TO PROVIDE US RECORDS AND TO HELP
25 US WITH PROBATION SEARCHES AND A MYRIAD OF THINGS.

1 THIRD, THE POLICE ARE THERE. AND FOR THE FIRST
2 TIME, AS ALL PARTS OF THE CRIMINAL JUSTICE SYSTEM WORK TOGETHER
3 IN THE POLICE BUILDING, ON THE FRONT END OF THE SYSTEM, WE CAN
4 MOVE AT LIGHTNING-LIKE SPEED THROUGH THE CRIMINAL JUSTICE
5 SYSTEM AND REMOVE GANG LEADERS WHO HAVE COMMITTED CRIMES.

6 I WILL TELL YOU, ONE, THAT WE HAVE HAD THIS 50
7 PERCENT REDUCTION IN GANG CRIME IN OUR CITY, AND IT'S HELD
8 CONSTANT -- AND WE CAN PROVE IT WITH OUR DATABASE -- FOR FIVE
9 YEARS. SECONDLY, WE HAVE LOST ONE CASE IN FIVE YEARS. WE HAVE
10 A 99 POINT SOMETHING CONVICTION. AND THIRD -- AND VERY
11 IMPORTANT TO US -- WE HAVE ASSUMED THE STRATEGIC POSITION WHERE
12 THE GANG LEADER IS NO LONGER PREFERRED AND HAS A STATUS ON
13 HIM. WHEN HE'S TARGETED, EVERY MEMBER OF THE GANG KNOWS THAT
14 SOONER OR LATER HE WILL BE LEAVING THERE, AS SOON AS THE FIRST
15 CRIME IS COMMITTED.

16 SO WE ARE BETTER ABLE TO MOVE OUR PREVENTION
17 PROGRAMS IN, IN PLACE. AND WE ARE WORKING WITH THOSE. AND
18 MARILYN MAC DOUGALL WILL TELL YOU ABOUT THE ONE THAT THE GANG
19 STRATEGY STEERING COMMITTEE PRESENTS. AND ALL THE POLICE
20 CHIEFS IN ORANGE COUNTY HAVE DIFFERENT PROGRAMS.

21 THE THIRD PART OF THE ORANGE COUNTY GANG STRATEGY
22 STEERING COMMITTEE -- AND PERHAPS ONE OF THE MOST IMPORTANT
23 ONES -- IS DATABASE STRATEGY, FORMULATION, AND DECISION
24 MAKING. WE RECALL MAKING OUR DECISIONS ON HARD DATA. WE HAVE
25 MORE HARD DATA, PROBABLY, THAN ANY OTHER COUNTY AROUND IN THE

1 STATE, THAT WE KNOW. ALL OF -- WE HAVE MADE AN ARRANGEMENT AND
2 A TRACKING SYSTEM WITH THE UNIVERSITY OF CALIFORNIA AT IRVINE.
3 UCI DOES THE TRACKING FOR US ON OUR COUNTYWIDE PROGRAM, AND
4 IT'S THE GANG INCIDENT TRACKING SYSTEM, GITS.

5 NOW, GITS WAS DESIGNED BY THE POLICE CHIEFS
6 ASSOCIATION TO BE GIVEN TO AN OUTSIDE UNIVERSITY TO TAKE A
7 HARD, COLD LOOK AT HOW WE GATHER THE DATA AND WHAT THE RESULTS
8 ARE. WE SIMPLY SEND THEM THE DATA WITH NO NAMES. THEY JUST
9 HAVE NUMBERS AND THE INCIDENT THAT OCCURRED, AND THEY KEEP IT
10 IN THEIR DATABASE. SO WE WANTED AN OUTSIDE LOOK AT GATHERING
11 GANG DATA, SO WE COULD ACCURATELY MEASURE, AND IT WOULD BE
12 ABOVE REPROACH -- OR AS CLOSE AS WE CAN GET TO PERFECT -- AND
13 SO THAT WE CAN THEN SAY, THIS IS THE EXTENT OF THE GANG
14 PROBLEM.

15 AND THE SECOND IMPORTANT THING IS WE ESTABLISHED A
16 BASELINE DATA YEAR OF 1994. IN 1994, WE MEASURED GANG CRIME IN
17 ORANGE COUNTY; AND IN 1995, WE'LL MEASURE IT; AND THE '96 DATA
18 IS SOON TO BE RELEASED, AND WE HAVE IT. AND WE WILL DO IT
19 AGAIN IN '97. AND WE WILL BE ABLE TO SAY WHETHER THE
20 PREVENTION PROGRAMS -- WHETHER TARGET CONTINUES TO OPERATE AT
21 ITS CURRENT PHENOMENAL RATE. WE WILL ACCURATELY MEASURE GANG
22 CRIME AND GANG INCIDENTS. WE WANT TO GET RID OF THE MESS. WE
23 WANT TO GET RID OF ALL OF THAT. WE JUST WANT THE TRUTH.

24 NOW, IT BOTHERS ME AS A POLICE CHIEF TO SAY THAT
25 WE'VE SET IN 1994 DATA -- A BASELINE DATA YEAR BECAUSE EVERY

1 YEAR, IN MY CITY, I GET TO LOOK BACK AND COMPARE TO 1994 TO SEE
2 HOW WE'RE DOING. I THINK THAT'S VERY IMPORTANT AND WHAT
3 PROGRAM IS WORKING. WE WILL BE ABLE TO GET MORE INFORMATION
4 ABOUT THE CONDITION AND STATUS OF GANGS IN ORANGE COUNTY THAN
5 ANY OTHER COUNTY AROUND.

6 THIS IS THE FIRST TIME IT'S BEEN DONE IN THE UNITED
7 STATES. WE'VE HAD VISITORS HERE FROM THE JUSTICE DEPARTMENT
8 AND FROM THE STATE AND EVERYBODY ELSE LOOKING AT THE SYSTEM.
9 WE HOPE THAT BY ACCURATELY MEASURING IT WE CAN TAKE BETTER
10 PREVENTIVE STEPS THAT WE CAN COMBINE WITH THE 8 PERCENT STUDY,
11 THAT THE PROBATION DEPARTMENT HAS, AND OTHER RESEARCH THAT'S
12 GOING ON. AND WE CAN COMPARE THAT AGAINST WHAT WE HAVE AND
13 KNOW WHERE THESE MILLIONS OF DOLLARS ARE GOING AND THEN FIGHT
14 GANG CRIME.

15 THOSE ARE THE THREE MAJOR ELEMENTS THAT THE GANG
16 STEERING COMMITTEE HAS. SOME OF OUR BIGGEST PROGRAMS ARE
17 TARGET AND SUPPRESSION. AGAIN, THE RESEARCH PROGRAM, THE GANG
18 INCIDENT TRACKING SYSTEM, ALL OF THIS IS FUNDED BY ABOUT 1.8
19 MILLION DOLLARS, THAT'S EITHER GIVEN TO US BY THE FEDERAL
20 GOVERNMENT OR THE STATE.

21 AND OUR THIRD BIGGEST PROGRAM AND PREVENTION PROGRAM
22 IS PROJECT NO GANGS, WHICH IS A PREVENTION PROGRAM, WHICH
23 MARILYN MAC DOUGALL IS HERE TO TELL YOU ABOUT. AND IT'S
24 SPREADING THROUGHOUT THE COUNTY. IT'S BUTTRESSED AND HELPED BY
25 A LOT OF INDIVIDUAL CITIES THAT HAVE THEIR OWN GANG PREVENTION

1 PROGRAMS, BUT IT'S ALSO A VERY, VERY IMPORTANT SLICE OF THE MIX
2 -- SLICE OF THE PIE.

3 I WOULD TELL YOU, ALSO, THAT YOU CAN TELL THAT
4 CHIEFS ARE DEFINITELY COMMITTED TO PREVENTION. IF YOU LOOK AT
5 THE BUDGET OF THESE GRANTS, THE BUDGET IS PRETTY EQUALLY
6 DIVIDED BETWEEN SUPPRESSION, RESEARCH, AND PREVENTION. SO
7 WE'RE LOOKING AT THIS IN ALL THREE AREAS, AND WE FEEL THAT
8 WE'RE AT LEAST AS FAR AHEAD AS ANY OTHER COUNTY IN THE UNITED
9 STATES. AND WE FEEL THAT WE ARE ADDRESSING ONE OF THE MOST
10 SEVERE PROBLEMS IN OUR COMMUNITY.

11 SO I'LL STOP HERE. IF THERE'S QUESTIONS, I'LL BE
12 MORE THAN READY TO ANSWER THEM.

13 MR. HERNANDEZ: THANK YOU, CHIEF. I THINK WE HAD ANOTHER
14 MEMBER OF THE PANEL JUST JOIN US.

15 DID YOU IDENTIFY YOURSELF?

16 MR. COOK: I THINK IT WAS STAN KNEE.

17 MR. KNEE: I'VE ALREADY INTRODUCED MYSELF.

18 MR. HERNANDEZ: OH, YOU HAVE? I'M SORRY. I THINK THE
19 REASON I'M CONFUSED IS THAT ACTUALLY WE HAVE TWO PANELS: THE
20 LAW ENFORCEMENT AND RECOMMENDATIONS. AND PEOPLE FROM THE BOTH
21 PANELS ARE SITTING TOGETHER -- WHICH IS PROBABLY OKAY WITH ME
22 BECAUSE THAT WILL GET US THROUGH THE AGENDA A LITTLE QUICKER.

23 SO I'LL GO AHEAD -- IF THERE'S NO OBJECTION TO THE
24 REST OF THE COMMITTEE -- I'LL GO AHEAD AND COLLAPSE THE TWO
25 PANELS. I JUST -- SINCE CHIEF KNEE IS PART OF THE LAW

1 ENFORCEMENT PANEL, WHICH WAS THE FIRST ONE, I THINK WHAT I'D
2 LIKE TO DO -- IF THAT'S OKAY WITH YOU -- IS TO GIVE THE CHIEF
3 THE OPPORTUNITY TO GIVE HIS VIEWS FROM THE LAW ENFORCEMENT
4 PERSPECTIVE. AND THEN I'LL ASK MS. MAC DOUGALL TO GO FORWARD,
5 IF THAT'S OKAY WITH YOU.

6 MS. MAC DOUGALL: PERFECT.

7 MR. HERNANDEZ: OKAY. THANK YOU.

8 CHIEF, I'M SORRY. WE WERE KIND OF OUT OF ORDER
9 HERE, BUT I THINK IT WILL EXPEDITE MATTERS. THANK YOU.

10 MR. HOLSTROM: FRANK, IF YOU COULD COME ON UP.

11 MR. KNEE: GOOD AFTERNOON. I APOLOGIZE FOR BEING LATE.

12 ONE OF THE THINGS THAT DOES NOT LEAVE A SUBURBAN AREA IS
13 TRAFFIC, AND I SUFFERED THAT PROBLEM THIS AFTERNOON.

14 I'VE ASKED SERGEANT FRANK KAUFFMAN TO JOIN ME. MY
15 NAME IS STAN KNEE. I'M THE CHIEF OF POLICE FOR THE CITY OF
16 GARDEN GROVE. I HAVE THE TASK -- ONE, IS TO REVIEW WITH YOU
17 THE GARDEN GROVE POLICY ON THE TAKING OF FIELD PHOTOGRAPHS AS
18 WELL AS THE POLICY ON TAKING OR COMPLETING FIELD INTERVIEW
19 CARDS, WHICH ARE COMMONPLACE IN LAW ENFORCEMENT SERVICES.

20 AND I'D ALSO LIKE TO TALK JUST VERY BRIEFLY ABOUT
21 THE USE OF THESE TOOLS AS KEY TO THE SUCCESS OF OUR LAW
22 ENFORCEMENT EFFORTS. I'LL TELL YOU STRAIGHT UP THAT I WILL
23 PROBABLY FAIL TO BE AS DETAILED AS I WOULD LIKE TO BE, IN THE
24 INTEREST OF TIME; BUT I WOULD LIKE TO, PERHAPS, GENERATE SOME
25 INTEREST ON YOUR PART AS TO THESE THREE THINGS.

1 AT THE END OF OUR PRESENTATION, I DO HAVE SOME
2 COPIES, WHICH I WILL PASS OUT. THERE ARE POLICIES -- A COPY OF
3 OUR POLICIES, AS WELL AS SOME OF THE FORMS, AS WELL AS OUR
4 DETAILED DESCRIPTION OF OUR APPEALS PROCESS FOR THOSE PEOPLE
5 WHO FEEL THAT THEY'VE BEEN PHOTOGRAPHED OR F.I.'D IN ERROR.

6 LET ME START WITH THE IMPORTANCE OF THE FIELD
7 INTERVIEW CARD AND THE FIELD PHOTOGRAPH TO LAW ENFORCEMENT.
8 RESEARCH CLEARLY POINTS OUT THAT THE POLICE BY THEMSELVES HAVE
9 VIRTUALLY NO CHANCE OF SOLVING SERIOUS FELONY CRIME WITHOUT THE
10 COOPERATION OF VICTIMS AND WITNESSES. SIMPLY PUT, THE NUMBER
11 OF SITUATIONS IN WHICH POLICE SEE IN PROGRESS SERIOUS CRIME IS
12 VERY, VERY LIMITED IN NUMBER. THE REASON FOR BRINGING THIS TO
13 YOUR ATTENTION IS THAT IF WE ARE NOT ON SCENE WHEN A SERIOUS
14 CRIME TAKES PLACE, WE HAVE TO RELY ON INVESTIGATIVE TOOLS AND
15 THE COOPERATION OF VICTIMS AND WITNESSES TO SOLVE THAT CRIME.
16 AND CERTAINLY, THIS SPEAKS WELL OF OUR EFFORTS IN COMMUNITY
17 POLICING.

18 TWO OF THE TOOLS WE NEED ARE THE INFORMATION
19 CONTAINED IN THE FIELD INTERVIEW CARD -- AND I'LL REFER TO IT
20 AS AN F.I. CARD -- AND PHOTOGRAPHS THAT WE HAVE TAKEN IN THE
21 COURSE OF OUR INVESTIGATIONS AND PATROL ACTIVITIES.

22 THE DECADE OF THE 80'S IS REFERRED TO BY SOME PEOPLE
23 AND MYSELF INCLUDED AS THE MOST VIOLENT IN OUR NATION'S
24 HISTORY. DURING THIS PERIOD OF TIME, THE GROWTH OF GANGS AND
25 GANG-RELATED VIOLENCE HAS SOARED. UNFORTUNATELY, MOST VICTIMS

1 ARE FROM LOW-INCOME FAMILIES LIVING IN LESS DESIRABLE AREAS,
2 RECENT IMMIGRANTS, AND REFUGEES. AGAIN, UNFORTUNATELY -- AND I
3 BRING THIS UP FOR A SPECIFIC POINT -- IS THAT THESE VICTIMS DO
4 NOT HAVE THE ECONOMIC RESOURCES LIKE, PERHAPS, THOSE OF US IN
5 THIS ROOM, TO MOVE OUT OF A BLIGHTED AREA OR TO SEEK SAFER
6 HOUSING OR SCHOOLS FOR THEIR CHILDREN.

7 IN RESPONSE TO THIS UPSURGE IN VIOLENCE, POLICE
8 DEPARTMENTS HAVE STEPPED UP THEIR EFFORTS AT IDENTIFYING GANG
9 MEMBERS INVOLVED IN CRIMINAL ACTIVITY; AND, THUS, GREATER
10 EMPHASIS WAS PLACED ON OBTAINING ACCURATE INFORMATION AND
11 PHOTOGRAPHS OF VIOLENT GANG MEMBERS.

12 IN 1993, THE AMERICAN CIVIL LIBERTIES UNION FILED A
13 LAWSUIT ON BEHALF OF THREE TEENAGERS WHO WERE F.I.'D AND
14 PHOTOGRAPHED BY MEMBERS OF MY DEPARTMENT. AS A RESULT OF THAT
15 LEGAL ACTION, WE BEGAN TO WORK IN CLOSE COOPERATION WITH THE
16 ACLU, AND DEVELOPED, IN THAT PROCESS, A MODEL POLICY ON THE USE
17 OF THE FIELD INTERVIEW CARDS AND FIELD PHOTOGRAPHS, AS WELL AS
18 A PURGE CRITERIA AND APPEAL PROCESS. THIS POLICY HAS BEEN
19 WIDELY DISTRIBUTED THROUGHOUT THE UNITED STATES. AND I WENT TO
20 AN INDIVIDUAL WHO IS RESPONSIBLE, IN PART, FOR MAILING OUT THIS
21 POLICY, AND HE STOPPED RECORDING THE NUMBER OF AGENCIES THAT
22 HAVE ASKED FOR COPIES OF THIS POLICY AT 100.

23 SERGEANT FRANK KAUFFMAN, WHO IS SEATED NEXT TO ME,
24 WAS A SERGEANT ASSIGNED TO WORK WITH THE ACLU IN DEVELOPING A
25 POLICY. WE WILL NOW TALK BRIEFLY ABOUT THAT POLICY. AND, LIKE

1 I SAID, AFTERWARDS WE WILL PRESENT YOU WITH COPIES OF SOME OF
2 THE DOCUMENTS THAT WERE DEVELOPED IN THAT.

3 MR. HERNANDEZ: I APPRECIATE THAT. THANK YOU VERY MUCH.

4 MR. KNEE: FRANK?

5 MR. KAUFFMAN: THANK YOU.

6 MR. HERNANDEZ: WOULD YOU IDENTIFY YOURSELF FOR THE
7 RECORD, PLEASE.

8 MR. KAUFFMAN: YES. MY NAME IS FRANK KAUFFMAN. I'M A
9 SERGEANT WITH THE GARDEN GROVE POLICE DEPARTMENT.

10 MR. HERNANDEZ: THANK YOU.

11 MR. KAUFFMAN: AS A RESULT OF THE LITIGATION WITH THE ACLU
12 IN REGARD TO OUR FIELD F.I. POLICY, THAT ALLOWED US TO TAKE A
13 CLOSER LOOK AT HOW WE WERE ACTUALLY DOING OUR JOB AND WHAT THE
14 ACTUAL PURPOSE OF THE F.I. WAS. AND WHAT IT LED US TO BELIEVE
15 -- AS FAR AS THE INVESTIGATORS WERE CONCERNED -- IS THAT THE
16 WAY THAT THE F.I.'S WERE FORMULATED, THEY HAD A LOT OF CIRCLES
17 THAT WE JUST IDENTIFIED A PURPOSE WITHOUT GIVING ANY SPECIFIC
18 INFORMATION FOR THE ACTUAL STOP OF THE INDIVIDUALS, NOR DID IT
19 GIVE THE ACTUAL AMOUNT OF TIME THAT A PERSON WAS ACTUALLY
20 DETAINED OR STOPPED FOR ANY PERIOD OF TIME.

21 WHEN WE TOOK A LOOK AT OUR F.I.'S, WE FOUND THAT A
22 NUMBER OF THEM WERE ACTUALLY MISSING INFORMATION THROUGH THAT
23 PARTICULAR PROCEDURE. THUS, WHAT WE HAD TO DO IS WE HAD TO
24 FORMULATE AN F.I. CARD THAT WE KNEW WOULD BOTH FILL IN WHAT WE
25 WOULD REQUIRE AND DEVELOP AN EQUAL BALANCE OF WHAT LAW

1 ENFORCEMENT NEEDS IN ORDER TO DO THEIR WORK IN INVESTIGATING
2 CRIMINAL ACTIVITY; AND ALSO MAKE CERTAIN OUR ASSURANCES THAT WE
3 AREN'T INFRINGING UPON THE RIGHTS AND PRIVILEGES AFFORDED TO
4 THE PEOPLE IN TRYING TO ACCOMPLISH THAT JOB.

5 AS A RESULT OF THAT, OUR CURRENT F.I. AND PHOTO F.I.
6 POLICIES ARE BASED ON CURRENT LAW RELATED TO DETENTIONS AND
7 CONSENSUAL ENCOUNTERS. AS WE HAVE INSTRUCTED OUR OFFICERS, IN
8 THE POLICY -- AND THEY ARE KIND OF LENGTHY, BUT I WILL NOW
9 BRIEF THEM FOR YOU -- F.I.'S -- THE OFFICERS ARE INSTRUCTED
10 THAT AN F.I. SHOULD BE COMPLETED WHEN YOU HAVE A NAMED SUSPECT
11 IN A CRIME BUT NO FURTHER INFORMATION IS NEEDED.

12 THE SECOND CRITERIA WOULD BE AS A POSSIBLE SUSPECT
13 OR MATCHES THE DESCRIPTION OF A SUSPECT OR A PHOTO FOR
14 IDENTIFICATION OR ELIMINATION PURPOSES WOULD BE NEEDED.

15 THE THIRD WOULD BE A MINOR INFRACTION HAD BEEN
16 VIOLATED, AND THE INDIVIDUAL WAS WARNED. AND AN F.I. CARD WILL
17 SUFFICE IN PLACE OF AN ACTUAL ARREST.

18 AND THE FOURTH IS A REASONABLE BELIEF THAT A PERSON
19 IS INVOLVED IN CRIMINAL ACTIVITY. AND THIS FOURTH CRITERIA, OF
20 COURSE, IS THE ONE WHERE WE FOUND MOST OF THE F.I.'S WERE BEING
21 GENERATED.

22 WE WENT AHEAD AND DEFINED WHAT REASONABLE SUSPICION
23 IS OR WHAT REASONABLE BELIEF WOULD BE. THAT WOULD BE
24 CIRCUMSTANCES THAT WOULD CAUSE A REASONABLE POLICE OFFICER TO
25 BELIEVE THAT A PERSON IS OR IS ABOUT TO BECOME INVOLVED IN

1 CRIMINAL ACTIVITY. WE ALSO WENT AND DEFINED WHAT THE
2 DIFFERENCES WERE BETWEEN DETENTIONS AND CONSENSUAL ENCOUNTERS.

3 IN ORDER TO MAKE THE F.I. CARD A GOOD TOOL FOR THE
4 INVESTIGATORS, THERE SHOULD BE A BRIEF NARRATIVE, SOMETHING TO
5 GIVE THEM AN IDEA OF WHAT IT WAS THIS PERSON WAS DOING THAT
6 WOULD PROMPT THE OFFICER'S ACTIONS. THEREFORE, WE REQUIRED
7 THAT THEY HAVE TO -- IN THE NARRATIVE PORTION, WE GAVE FIVE
8 LINES TO DO THIS. THEY WOULD WRITE OUT WHAT THEIR REASONABLE
9 SUSPICION WAS OF THE ACTIVITY WHICH WOULD HAVE TO ADD UP TO
10 WHAT WOULD BE A DETENTION.

11 NOW, A PERSON CAN BE F.I.'D UNDER THE CIRCUMSTANCES
12 OF A CONSENSUAL ENCOUNTER. BUT DURING THAT TYPE OF A CONTACT,
13 IF AN INDIVIDUAL AT ANY TIME SAID THAT THEY NO LONGER WANTED TO
14 SPEAK TO THE OFFICER; THEY WERE THROUGH; THEY WANTED TO LEAVE;
15 THE F.I. CARD WOULD NOT BE COMPLETED ANYMORE AT THAT POINT IN
16 TIME.

17 WE ALSO ADDED A FEW ADDITIONAL ITEMS, SUCH AS THE
18 TIME, THE START TIME AND ENDING TIME FOR THE ACTUAL DETENTION
19 SO WE COULD MONITOR HOW LONG A PERSON WAS ACTUALLY BEING
20 DETAINED AND WHETHER THIS WAS A DETENTION OR A CONSENSUAL
21 ENCOUNTER. WE ALSO CHANGED SOME WORDING WHERE WE DIDN'T LABEL
22 INDIVIDUALS. THERE WAS A CONCERN OF US LABELING INDIVIDUALS AS
23 ASSOCIATES TO GANG MEMBERS, BUT INSTEAD WE USED THE WORD
24 "ACQUAINTANCE."

25 THE F.I. CARD ITSELF, AT THIS POINT IN TIME, AS OUR

1 CURRENT POLICY STATES, IS REVIEWED BY A SUPERVISOR. THEY MUST
2 BE TURNED IN BY THE END OF AN OFFICER'S WATCH. THEY ARE
3 REVIEWED BY THE SUPERVISOR WHO HAS TO MAKE THE ASSURANCE THAT
4 ALL THE BOXES ARE COMPLETED, INCLUDING THE TIMES. AND ALSO
5 THAT IN THE NARRATIVE PORTION, THAT THE REASONABLE SUSPICION
6 HAS BEEN ARTICULATED AND/OR THAT THE WORDS "CONSENSUAL
7 ENCOUNTER" WITH A BRIEF DESCRIPTION IS INCLUDED.

8 IF FOR SOME REASON THE F.I. CARD HAPPENED TO GET BY
9 TO WHERE IT WAS SUBMITTED WITHOUT A SERGEANT'S APPROVAL, THERE
10 ARE TWO OTHER PROCESSES WHERE IT DOESN'T GET ANY FURTHER. THE
11 F.I. CARDS ARE SUBMITTED TO OUR STATS IN OUR RECORDS BUREAU,
12 WHO ENTERS THEM INTO A COMPUTER DATABASE. AND IF ANY BOXES ARE
13 MISSING -- AND THEY ARE GIVEN THESE INSTRUCTIONS -- IF THERE
14 ARE ANY BOXES MISSING, INCLUDING A SUPERVISOR'S SERIAL NUMBER,
15 THEY ARE RETURNED FOR THE SUPERVISOR SIGNATURE ON IT AND FOR
16 ANY CORRECTIONS THAT NEED TO BE MADE.

17 I DON'T KNOW OF ANY THAT HAVE ACTUALLY GONE BEYOND
18 OUR STATS BUREAU; BUT THERE IS ONE OTHER STEP THEY GO TO, AND
19 THAT IS THEY ULTIMATELY GO TO THE INTELLIGENCE OFFICER WHO ALSO
20 REVIEWS EVERY F.I. CARD. AND HE IS ALSO THE ONE THAT DOES THE
21 PURGING PROCESS. AND IF HE FINDS THAT ONE OF THESE AREAS IS
22 MISSING, AGAIN, IT WOULD BE RETURNED TO THE SUPERVISOR.

23 AND IN REGARDS TO THE ACTUAL PHOTOS, PHOTOGRAPHS MAY
24 BE TAKEN UNDER ANY CIRCUMSTANCES WHEN AN INDIVIDUAL KNOWINGLY
25 AND VOLUNTARILY GIVES CONSENT IN WRITING. WE HAVE A STICKER

1 THAT WOULD BE APPLIED TO THE BACK OF THE PHOTO, POLAROID PHOTO,
2 WHERE THE INDIVIDUAL'S SIGNATURE AND THE DATE AND THE TIME OF
3 THE STOP GOES. IF IT IS A DETENTION, WHICH IS BASED UPON
4 REASONABLE SUSPICION OF CRIMINAL ACTIVITY, OF COURSE, BASED ON
5 LAW, SUCH A SIGNATURE IS NOT REQUIRED; THE CONSENT IS NOT
6 REQUIRED. BUT THIS PHOTO MUST SERVE SOME LEGITIMATE LAW
7 ENFORCEMENT PURPOSE RELATED TO DETENTION. IF YOU HAVE A LAWFUL
8 DETENTION, BUT THE CRIMINAL ACTIVITY IS DISPELLED PRIOR TO THE
9 TAKING OF THE PHOTOGRAPH, THEN THE PHOTOGRAPH WILL NOT BE
10 TAKEN.

11 ALSO, DURING A DETENTION OR A CONSENSUAL ENCOUNTER,
12 IF AT ANY TIME AN INDIVIDUAL IS QUESTIONED ABOUT GANG
13 AFFILIATION, IF THIS INDIVIDUAL DENIES THAT THEY HAVE ANY
14 AFFILIATIONS OR ASSOCIATIONS TO GANGS, THE OFFICERS MAY NOT
15 MAKE ANY FURTHER INQUIRIES IN REGARDS TO THEIR INVOLVEMENT WITH
16 GANG ACTIVITIES. THEY CAN GO ON WITH THE REGULAR PROCEDURE OF
17 THE STOP, BUT ANY FURTHER INQUIRIES IN REGARDS TO ANY GANG
18 AFFILIATIONS WOULD BE STOPPED AT THAT POINT IN TIME.

19 OUR F.I. CARDS ARE PURGED -- OR THE F.I. DATA IS
20 PURGED EVERY TWO YEARS. IF THEY ARE GANG-RELATED, THEY ARE
21 PURGED EVERY FIVE YEARS.

22 IN THE PROCESS OF PUTTING THIS POLICY TOGETHER, WE
23 ALSO WANTED TO FIND A WAY THAT IF AN INDIVIDUAL WAS F.I.'D OR
24 HAD THEIR PHOTOGRAPH TAKEN AND FELT THAT THERE REALLY WASN'T
25 ANY PARTICULAR REASON OR THEY DIDN'T LIKE THE FACT THAT THIS

1 WAS DONE, THAT WE WANTED TO SET UP A PROCESS WHEREBY THEY CAN
2 APPEAL THE PURGING OF THAT BEFORE THE TWO-YEAR PERIOD. AND A
3 COPY OF THIS IS POSTED IN THE LOBBY OF THE POLICE DEPARTMENT.
4 IT HAS ALSO BEEN FORWARDED TO THE SCHOOL ADMINISTRATORS WITHIN
5 THE SCHOOL DISTRICTS OF THE CITY OF GARDEN GROVE. INDIVIDUALS
6 THAT FEEL THAT THEY WOULD LIKE TO HAVE THIS PURGED BEFORE THE
7 TWO YEARS CAN FILL OUT AND COMPLETE A FORM MAKING A REQUEST FOR
8 THE PURGING PROCESS WHERE THEY ARE GIVEN AN OPPORTUNITY TO MEET
9 WITH THE POLICE CHIEF AND EXPRESS THEIR CONCERNS AS TO THE
10 FIELD INTERVIEW AND THE PHOTO; WHY THEY FEEL IT SHOULD BE
11 REMOVED FROM ANY RECORDS BEFORE THE TWO YEARS.

12 AFTER DOING SO, THE CHIEF THEN WILL -- WELL,
13 INITIALLY THE PERSON HAS 30 DAYS AFTER THE CONTACT TO DO THIS.
14 AFTER THE MEETING WITH THE CHIEF, THE CHIEF HAS 30 DAYS TO
15 RESPOND TO WHETHER OR NOT THIS WILL BE PURGED PRIOR TO THE TWO
16 YEARS.

17 IF AN INDIVIDUAL IS TOLD OR INFORMED THAT THE F.I.
18 WILL NOT BE PURGED, THAT IT HAS LEGITIMATE LAW ENFORCEMENT
19 PURPOSES AND SHOULD STAY FOR THE TWO-YEAR PERIOD, THERE IS ONE
20 OTHER PROCESS. AND THEY CAN RESUBMIT THIS REQUEST TO BE
21 REVIEWED BY THE CHIEF'S FORUM -- THREE MEMBERS OF THE CHIEF'S
22 FORUM, WHICH IS A COMMUNITY GROUP THAT WILL TAKE A LOOK AT THE
23 CIRCUMSTANCES OF THE F.I. AND THEY WOULD MAKE, THEN, A
24 RECOMMENDATION TO THE POLICE CHIEF, WHO STILL HAS THE ULTIMATE
25 DECISION ON WHETHER IT SHOULD BE RETAINED OR NOT; BUT THE

1 CITIZENS GROUP HAS THE OPPORTUNITY TO REVIEW IT AND, AGAIN,
2 MAKE THAT PARTICULAR RECOMMENDATION.

3 THAT PRETTY MUCH SUMS UP THE POLICY FOR F.I.'S AND
4 THE PHOTOS. IF YOU HAVE ANY QUESTIONS, I'D BE MORE THAN HAPPY
5 TO ANSWER THEM.

6 MR. HERNANDEZ: I THINK WHAT WE'RE GOING TO DO IS JUST GET
7 ALL THE STATEMENTS, AND THEN WE'LL TAKE QUESTIONS AFTER.

8 MS. MAC DOUGALL?

9 MS. MAC DOUGALL: THANK YOU. I'M HERE REPRESENTING THE
10 ORANGE COUNTY CHIEFS' AND SHERIFF'S ASSOCIATION AND THEIR
11 PROGRAM KNOWN AS PROJECT NO GANGS.

12 THE ASSOCIATION HAS CONSISTENTLY INCLUDED EDUCATION
13 AND AWARENESS AS AN INTRICATE PART OF THEIR GOAL AND MISSION.
14 THROUGH THE CREATION OF PROJECT NO GANGS AND INDEPENDENTLY
15 THROUGH THEIR INDIVIDUAL CITY PROGRAMS, THIS ORGANIZATION HAS
16 DEVELOPED AND IMPLEMENTED CUTTING-EDGE PROGRAMS WHICH ADDRESS
17 THE NEEDS OF THE COMMUNITY AT LARGE AS THEY DEAL WITH THE
18 ISSUES OF VIOLENCE AND GANGS. WITH THE CREATION OF PROJECT NO
19 GANGS CAME AN INTENSIFIED APPROACH OF GANG AWARENESS AND
20 EDUCATION PROGRAMS THROUGHOUT THE ENTIRE COUNTY OF ORANGE.

21 I'M ALSO A CREDENTIAL SCHOOL TEACHER. I TAUGHT
22 PUBLIC SCHOOL FOR 25 YEARS AND WAS BROUGHT TO HANDLE THIS
23 PROGRAM BECAUSE OF MY BACKGROUND IN EDUCATION. EDUCATIONALLY,
24 WE KNOW THAT TO HAVE LONG-TERM RESULTS FOR PROGRAMS WHICH
25 ADDRESS SOCIAL ISSUES, WE MUST START THESE PROGRAMS AT A VERY

1 YOUNG AGE.

2 TO ALIGN THEMSELVES WITH THIS EDUCATIONAL
3 PHILOSOPHY, THE ORANGE COUNTY CHIEFS AND SHERIFF'S ASSOCIATION
4 IN COOPERATION WITH DRUG USE IS LIFE ABUSE, THE ORANGE COUNTY
5 DEPARTMENT OF EDUCATION, THE STATE DEPARTMENT OF EDUCATION, AND
6 UCI CREATED A CURRICULUM FOR UPPER-AGE ELEMENTARY SCHOOL
7 CHILDREN CALLED "POSITIVELY NO VIOLENCE." THIS PROGRAM IS
8 DISSEMINATED IN BOOKLET FORM THROUGHOUT THE COUNTY OF ORANGE TO
9 FOURTH AND FIFTH GRADERS; AND IT'S AVAILABLE TO ALL CITIES, ALL
10 SCHOOLS: PUBLIC AND PRIVATE.

11 THIS PROGRAM SUPPORTS PROGRAMS SUCH AS D.A.R.E.,
12 POSITIVELY NO DRUGS, AND OTHER PROGRAMS WHICH HAVE BEEN CREATED
13 BY THE ORANGE COUNTY DEPARTMENT OF ED. AND THEY'RE AN
14 INTRICATE PART OF THE CURRICULUM, WHICH IS INFUSED TO COVER ALL
15 CURRICULAR AREAS THROUGHOUT THE EDUCATIONAL COMMUNITY.

16 ADDITIONALLY, PROJECT NO GANGS STAT HAS RAISED
17 COMMUNITY AWARENESS THROUGH THEIR GANG PREVENTION
18 PRESENTATIONS. SINCE THEY WERE -- SINCE PROJECT NO GANGS WAS
19 FORMED, TO DATE, WE HAVE DONE OVER 500 ANTIGANG PRESENTATIONS
20 TO BUSINESSES, PARENT GROUPS, EDUCATORS, HOMEOWNERS
21 ASSOCIATIONS, AND COMMUNITY-BASED ORGANIZATIONS THROUGHOUT THE
22 COUNTY. SIMILAR PRESENTATIONS ARE MADE BY OTHER AGENCIES IN
23 THE COUNTY.

24 THE PROBATION DEPARTMENT UTILIZES THEIR TARGET TEAMS
25 AND SUPPRESSION UNITS IN A GROUP CALLED "EMPOWERING COMMUNITIES

1 AGAINST GANGS." IN THIS, THEY USE THEIR PROBATION DEPUTIES, AS
2 WELL AS STAFF, TO MAKE PRESENTATIONS TO RESIDENTS AND
3 COMMUNITIES, UPON REQUEST AND ALSO WHEN THE STAFF FEELS THERE'S
4 A NEEDED SPECIFIC AREA TO HELP THEM ADDRESS.

5 IN THE CITY OF BUENA PARK, THEY'VE ESTABLISHED A
6 VERY INNOVATIVE PROGRAM CALLED "PARENT PROJECT." IT'S FUNDED
7 BY THEIR DEVELOPMENT BLOCK FOR GRANT PROGRAM. THE PROGRAM IS
8 PROVIDED FREE TO ALL RESIDENTS OF BUENA PARK. THE PROGRAM
9 PROVIDES INFORMATION REGARDING THE DYNAMICS OF PARENTING, THE
10 JUVENILE JUSTICE SYSTEM, AND PRACTICAL AND EMOTIONAL NEEDS OF
11 THE FAMILY UNITS. THERE'S AN EMPHASIS ON BUILDING SELF-ESTEEM,
12 NOT ONLY FOR THE CHILD, BUT FOR THE PARENTS INVOLVED. THEY
13 WORK ON FAMILY REUNIFICATION AND THE FAMILY'S CRUCIAL ROLE IN
14 THE REHABILITATION OF A CHILD WHO HAS ALREADY BECOME INVOLVED
15 IN DANGERS AND/OR ILLEGAL BEHAVIOR.

16 A SECOND PROGRAM IN BUENA PARK IS CALLED P.A.Y., --
17 OR POSITIVE AVENUES FOR YOUTH -- A GANG PREVENTION PROJECT
18 DESIGNED TO PROVIDE POSITIVE ALTERNATIVES TO GANG VIOLENCE, FOR
19 THE USE IN THE COMMUNITY. THE P.A.Y. PROGRAM INTENDS TO COMBAT
20 GANG MEMBERSHIP AND UTILIZES A MULTIDIMENSIONAL APPROACH TO
21 DETER THE USE OF EXPERIMENTATION WITH GANG INVOLVEMENT. THEY
22 PROVIDE POSITIVE ROLE MODELS THAT ARE PROVIDED TO THE GROUPS TO
23 ENCOURAGE THEM TO DEVELOP SOCIAL AND COPING SKILLS.

24 FULLERTON P.D. HAS A PROGRAM THAT'S CALLED
25 C.U.F.F.S., COMMUNITY UNITED FOR FULLERTON SAFETY. THIS

1 INCLUDES THE FULLERTON SCHOOL SYSTEM, THE DEPARTMENT OF ED., 26
2 COMMUNITY-BASED ORGANIZATIONS, AND THE POLICE DEPARTMENT. THEY
3 ALSO INCLUDE P.A.L. -- OR PEER ASSISTANCE LEADERSHIP, CONFLICT
4 RESOLUTION TRAINING AND INNER ETHNIC RELATIONS AND VIOLENCE
5 REDUCTION PROGRAMS AS A PART OF THEIR PROGRAMS TO ADDRESS GANG
6 VIOLENCE.

7 THE CITY OF ANAHEIM HAS DEVELOPED A UNIQUE
8 PARTNERSHIP WITH DISNEY. THROUGH DISNEY, THEY PROVIDE ICE AND
9 STREET HOCKEY FOR YOUTH IN THE INNER CITY AREAS. THE
10 DEPARTMENT'S R.E.A.C.T. -- OR RENTAL ENFORCEMENT AND CRIME
11 TRAINING -- EDUCATES LANDLORDS AND APARTMENT MANAGERS AND
12 OWNERS IN A WIDE VARIETY OF TOPICS WHICH FOCUS ON THESE GROUPS
13 ON CREATING SAFE ENVIRONMENTS FOR ALL THEIR TENANTS.

14 THE SWORN OFFICERS ALSO ORGANIZE AND INSTRUCT THE
15 YOUTH IN VARIOUS ATHLETIC ACTIVITIES, WHICH PROVIDE THE
16 COMMUNITY WITH POSITIVE ALTERNATIVES TO GANG INVOLVEMENT.

17 REPRESENTATIVES FROM WELL OVER 100 AGENCIES IN THE
18 SOUTH ORANGE COUNTY AREA ATTENDED THEIR REGIONAL GANG STEERING
19 COMMITTEE. THE PARTICIPANTS GATHER MONTHLY, THROUGH THE SCHOOL
20 YEAR, TO SHARE PROGRAMS WHICH ARE MAKING A DIFFERENCE IN THE
21 SOUTH PART OF THE COUNTY. THE MEETING ALSO INCLUDES TRAINING
22 SESSIONS FOR THE PARTICIPANTS WHICH HELP THEM BE MORE IN TUNE
23 WITH THE NEEDS OF THE AVERAGE STUDENT OF THE SOUTH ORANGE
24 COUNTY AREA.

25 STUDENTS IN OUR HIGH SCHOOL POPULATION HAVE CREATED

1 A PUBLICATION CALLED "THE QUEST." IT IS WRITTEN AND EDITED BY
2 STUDENTS, AND IT IS DISSEMINATED TO ALL HIGH SCHOOL STUDENTS
3 BOTH PUBLIC AND PRIVATE TWICE A YEAR. THEY WRITE THE
4 ARTICLES. THEY CHOOSE THE TOPICS. AND THEY ADDRESS ISSUES
5 ABOUT GANGS, VIOLENCE, AND DRUGS.

6 OTHER SPECIAL PROGRAMS INCLUDE THE "PROACH,"
7 PROBATION DEPARTMENT'S BALEY FLATS PROGRAM. IT IS CONDUCTED
8 TWICE A YEAR. SELECTED YOUTH ATTEND A MOUNTAIN RETREAT WHERE
9 THEY WORK WITH PROBATION OFFICERS AND COMMUNITY VOLUNTEERS TO
10 PROVIDE GOOD SOUND EXPERIENCES WHICH LET THE KIDS MAKE GOOD
11 CHOICES ON HOW TO GET OUT OF THE GANG INVOLVEMENT.

12 IN ORDER TO PROVIDE ALL OF OUR RESIDENTS AND
13 COMMUNITY-BASED ORGANIZATIONS WITH SPECIFIC COMMUNITY PROGRAMS
14 AVAILABLE TO THEM, THERE'S A PUBLICATION CALLED FRONTLINE. IT,
15 ALSO, IS PRINTED TWICE A YEAR, AND IT'S AVAILABLE TO ORANGE
16 COUNTY RESIDENTS. AND WE HAVE AN (800) INFORMATION LINE, WHICH
17 IS STAFFED DAILY, FOR RESIDENTS TO CALL REGARDING CONCERNS,
18 QUESTIONS, AND AVAILABILITY OF PROGRAMS AND RESOURCES.

19 THE PROGRAMS THAT I'VE MENTIONED ARE JUST A MERE
20 SAMPLING OF WHAT IS AVAILABLE THROUGHOUT THE COUNTY OF ORANGE
21 ON A CONTINUOUS, ONGOING BASIS. ALL RESIDENTS ARE GIVEN
22 MULTIPLE OPPORTUNITIES TO ACCESS PROGRAMS WHICH ADDRESS THE
23 NEEDS OF THE COMMUNITY, BOTH ETHNICALLY AND DIVERSELY SOCIALLY
24 AT ALL LEVELS. WE FEEL WE ARE MEETING THE NEEDS OF THE ORANGE
25 COUNTY RESIDENTS AS THEY WANT TO KNOW MORE AND LEARN MORE IN

1 HOW TO GET ALONG WELL AND HAVE PROGRAMS THAT ADDRESS GANG
2 VIOLENCE. THANK YOU.

3 MR. HERNANDEZ: THANK YOU VERY MUCH. WHO IS LAST?

4 MR. DU CHESNE: MR. CHAIRMAN, MY NAME IS LOREN DU CHESNE.
5 I'M THE CHIEF OF THE DISTRICT ATTORNEY'S BUREAU OF
6 INVESTIGATION, ALSO A MEMBER OF THE GANG STRATEGY STEERING
7 COMMITTEE.

8 I'VE BEEN ASKED TO SPEAK ABOUT WHAT IS KNOWN AS THE
9 GREAT SYSTEM, ALSO SOON TO BE KNOWN AS THE CAL GANG SYSTEM.
10 THE GREAT SYSTEM AS WE KNOW IT AND AS I WILL DESCRIBE, TO US,
11 IS BASICALLY DISTINCT. AS OF THIS MONTH, IT IS BEING
12 TRANSFORMED INTO A STATEWIDE SYSTEM UNDER THE AUSPICES OF THE
13 CALIFORNIA ATTORNEY GENERAL AND WITH AN ENTIRELY NEW HARDWARE
14 AND SOFTWARE. THE GREAT --

15 MR. HERNANDEZ: EXCUSE ME. DOES THAT MEAN THAT THE
16 ATTORNEY GENERAL WILL MANAGE THIS SYSTEM FOR THE STATE?

17 MR. DU CHESNE: THE OVERSIGHT -- PERHAPS IT WOULD BE
18 BETTER IF I MAY --

19 MR. HERNANDEZ: OKAY. BECAUSE WE READ WHAT --

20 MR. DU CHESNE: I UNDERSTAND WHERE YOU'RE GOING. NOW, I
21 THINK IT WILL MAKE IT A LITTLE EASIER TO UNDERSTAND IF I TAKE
22 YOU THROUGH THE HISTORY FOR JUST A MOMENT.

23 MR. HERNANDEZ: ALL RIGHT.

24 MR. DU CHESNE: THE GREAT SYSTEM IS PRESENTLY HOUSED AND
25 OVERSEEN BY THE DISTRICT ATTORNEY. IT'S INTERCONNECTED WITH 27

1 OTHER LAW ENFORCEMENT AGENCIES IN OUR COUNTY THROUGH A PC MODEM
2 SYSTEM.

3 MR. HERNANDEZ: COULD YOU GET THE MICROPHONE OVER TO CHIEF
4 DU CHESNE, PLEASE?

5 MR. DU CHESNE: IS THAT BETTER?

6 MR. HERNANDEZ: YES. THAT'S MUCH BETTER. THANK YOU.

7 MR. DU CHESNE: AS I SAID, IT'S A PC-DRIVEN SYSTEM
8 INTERCONNECTED TO 27 AGENCIES, WITH THE DISTRICT ATTORNEY
9 HAVING THE CENTRAL NODE. PRESENTLY, THERE ARE AROUND 20,221
10 RECORDS IN THE SYSTEM. THE GREAT SYSTEM STANDS FOR GANG
11 RECORDING AND EVALUATION AND TRACKING SYSTEM, AND IT'S BEEN IN
12 ORANGE COUNTY SINCE 1992.

13 PRESENTLY, THERE ARE SEVEN NODES IN THE STATE, AND
14 ORANGE COUNTY BEING ONE OF THOSE SEVEN NODES. THE OVERSIGHT --
15 GETTING TO YOUR QUESTION MORE SPECIFICALLY -- THE OVERSIGHT
16 HAS, FOR A NUMBER OF YEARS, BEEN AN ORGANIZATION CALLED THE
17 CALIFORNIA NODE -- I'M SORRY -- CALIFORNIA GANG NODE ADVISORY
18 COMMITTEE WITH AN ACRONYM OF "CGNAC." CGNAC IS COMPRISED OF
19 THE NODE COORDINATORS FROM THE SEVEN GREAT SYSTEMS IN THE SEVEN
20 COUNTIES. MEMBERS OF THE ATTORNEY GENERAL'S OFFICE AND MEMBERS
21 OF THE CALIFORNIA COMMISSION -- I'M SORRY -- THE OFFICE OF THE
22 CRIMINAL JUSTICE PLANNING -- THOSE THREE AGENCIES COMPRISE THE
23 CGNAC OVERSIGHT COMMITTEE. THEY MEET ON A QUARTERLY BASIS AND
24 ESTABLISH POLICY THAT IS THE OVERSIGHT OF THE SEVEN GREAT
25 NODES.

1 NOW, AS OF THIS MONTH, THE FUNDING HAS BEEN SECURED
2 THROUGH THE CALIFORNIA OFFICE OF THE CRIMINAL JUSTICE PLANNING
3 COMMISSION; AND THAT FUNDING IS GOING TO BE PURCHASING AN
4 ENTIRELY NEW SYSTEM. AND THAT SYSTEM WILL STILL BE OVERSEEN BY
5 THE CGNAC COMMITTEE. ALL OF THE RAMIFICATIONS OF THIS MERGE
6 AND CHANGE HAVE NOT BEEN TOTALLY WORKED OUT; BUT AT THIS POINT,
7 THAT NEW SYSTEM, THE CAL GANG SYSTEM, WILL OPERATE UNDER THE
8 AUSPICES OF CGNAC AND WILL BASICALLY ADOPT THE STANDING
9 PROCEDURES WITH, PERHAPS, SOME MODIFICATIONS AS IT BECOMES
10 ELEVATED INTO THIS STATEWIDE SYSTEM.

11 SOME OF THE ISSUES THAT OCCASIONALLY COME UP WOULD
12 BE HOW WE DEFINE GANGS FOR THE SUBMISSION OF DATA INTO EITHER
13 THE GREAT SYSTEM OR THE FUTURE CAL GANG SYSTEM. THE DEFINITION
14 OF A GANG COMES FROM THE CALIFORNIA STREET TERRORISM
15 ENFORCEMENT AND PREVENTION ACT KNOWN AS THE STEP ACT OF 1988,
16 AND THAT IS FOUND IN THE PENAL CODE SECTION 186.22 OF THE
17 CALIFORNIA PENAL CODE. AND IT'S FAIRLY DEFINITIVE IN THAT
18 SECTION. THAT DEFINITION IS THE SAME DEFINITION THAT THE GREAT
19 SYSTEM OR THE CAL GANG SYSTEM WILL OPERATE OFF OF.

20 WHAT'S INTERESTING ABOUT OUR SYSTEM -- AND I CAN
21 SPEAK PRIMARILY FOR OUR SYSTEM, SINCE WE'VE HAD FIVE AND A HALF
22 YEARS OF OVERSIGHT OF OUR SYSTEM AND INVOLVEMENT. OUR SYSTEM
23 CONTAINS, LIKE I SAID, OVER 20,000 GANG MEMBERS, AT THIS POINT
24 IN TIME, OR SUSPECTED GANG MEMBERS. 81 PERCENT OF THOSE
25 ENTRIES ARE SELF-ADMITTED GANG MEMBERS. SO THE LION'S SHARE --

1 A GREAT PROPORTION OF THE MEMBERS IN THE GREAT SYSTEM ARE
2 ADMITTED GANG MEMBERS AND IN MANY TIMES OVER.

3 I THINK IT'S IMPORTANT TO POINT OUT THAT THIS SYSTEM
4 IS ACCESSIBLE ONLY TO LAW ENFORCEMENT. IT IS A LAW ENFORCEMENT
5 CRIMINAL INTELLIGENCE SYSTEM FOCUSING ON GANG MEMBERS AND
6 SUSPECTED GANG MEMBERS COMMITTING CRIMES; THEREFORE, IT IS
7 SOMEWHAT DISCRIMINATORY IN THE METHOD IN WHICH MEMBERS ARE
8 INTERVENED IN THE GREAT SYSTEM. AND, LIKEWISE, IT'S SOMEWHAT
9 PROTECTED AND CONTROLLED IN TERMS OF HOW INFORMATION WILL GET
10 OUT OF THAT SYSTEM; RESTRICTED ONLY TO LAW ENFORCEMENT THE SAME
11 AS ANY OTHER CRIMINAL INTELLIGENCE SYSTEM OR CRIMINAL RECORD
12 SYSTEM IN THE STATE. IT HAS VERY TIGHT CONTROLS.

13 THE SUBJECT OF THE PHOTOGRAPHS OCCASIONALLY COMES
14 UP. 20,000 GANG MEMBERS, THERE ARE APPROXIMATELY 1,000
15 PHOTOGRAPHS IN THE GREAT SYSTEM IN ORANGE COUNTY. HOWEVER,
16 NONE OF THOSE PHOTOGRAPHS RESIDE ON THE D.A.'S NODE ON THE
17 CENTRAL NODE. THEY'RE NOT ACCESSIBLE TO ANY OTHER AGENCY,
18 OTHER THAN THE AGENCY THAT TAKES THE PHOTOGRAPH AND SUBMITS THE
19 PHOTO. SO THAT WOULD BE 27 AGENCIES THAT WOULD HAVE A SMALL
20 NUMBER OF PHOTOS IN THEIR SYSTEM, BUT IT'S EXCLUSIVE ONLY TO
21 THEIR SYSTEM AND NOT TRANSFERABLE OR ACCESSIBLE TO OTHER
22 AGENCIES, AT THIS TIME.

23 THE RECORDS ARE PROTECTED FROM THE PUBLIC AND FROM
24 OTHER INDISCRIMINATING INQUIRIES AND EXPOSURE BY CALIFORNIA
25 GOVERNMENT CODE 6250, WHICH IS THE PUBLIC RECORDS ACT. AND THE

1 GENERAL PROTECTION COMES UNDER THE AUSPICES OF ANY OTHER TYPE
2 OF CRIMINAL INTELLIGENCE.

3 PURGING IS AN ISSUE THAT OFTEN COMES UP. THE SYSTEM
4 REQUIRES -- REGULATIONS REQUIRE A PURGE EVERY QUARTER. IN
5 ORANGE COUNTY, WE, AT THIS POINT, HAVE PURGED 6,637 ENTRIES
6 SINCE THE INCEPTION OF OUR SYSTEM FIVE AND A HALF YEARS AGO.
7 ON A QUARTERLY BASIS, WE CONTINUE TO PURGE AND WILL CONTINUE TO
8 PURGE.

9 I HAVE NUMBERS AND SOME BREAKDOWN AND STATISTICS. I
10 THINK YOU MAY HAVE HAD SOME EXPOSURE TO THOSE EARLIER. PERHAPS
11 I SHOULD LEAVE THE NUMBERS TO ANY QUESTIONS OR DISCUSSIONS,
12 UNLESS YOU WANT ME TO RUN THROUGH THOSE AGAIN.

13 MS. BUITRAGO: IT MIGHT BE WORTHWHILE.

14 MR. HERNANDEZ: I THINK IT WOULD BE BETTER.

15 MR. DU CHESNE: OKAY. I'LL TRY TO FIGURE OUT THOSE THAT
16 MIGHT BE SIGNIFICANT FOR YOU. CERTAINLY, THE FIRST AND
17 FOREMOST NUMBER IS THE TOTAL GANG POPULATION. AS WE SEE IT
18 TODAY -- AND IT CHANGES ALMOST ON A DAILY BASIS -- THERE ARE
19 20,281 ENTRIES. I'VE ALREADY SAID THAT SINCE THE INCEPTION OF
20 THIS PROGRAM WE'VE PURGED 6,657. THE REMAINING WOULD BE THE
21 20,000 NUMBER. THE NUMBER OF PHOTOS PRESENTLY RESIDING ON ALL
22 THE AGENCIES IS 1,039. I HAVE BREAKDOWNS FROM AN ETHNIC
23 STANDPOINT.

24 DO YOU WANT ME TO COVER THAT ALSO?

25 MR. HERNANDEZ: YES, PLEASE.

1 MR. DU CHESNE: OKAY. AS WE SPEAK TODAY -- AND AGAIN, IT
2 CAN CHANGE ALMOST DAILY OR WEEKLY -- THERE ARE PRESENTLY 14,732
3 HISPANIC GANG MEMBERS; THERE ARE 2,586 ASIAN ENTRIES; THERE ARE
4 1,521 WHITE ENTRIES; THERE ARE 898 BLACK ENTRIES; THERE ARE 360
5 OF WHAT WE CALL PACIFIC ISLANDER ENTRIES; AND THERE'S 124 WITH
6 UNKNOWN ETHNICITY.

7 AS FAR AS THE BREAKDOWN OF ACTUAL GANGS, RATHER THAN
8 GANG MEMBERS, WE HAVE 165 IDENTIFIED HISPANIC GANGS. WE HAVE
9 89 THAT ARE SOMEWHAT HYBRID OR THAT ARE MULTIPLE ETHNICITY;
10 THEREFORE, WE JUST CALL IT MULTIPLE. THERE IS NO SPECIFIC
11 ETHNIC IDENTITY TO THAT PARTICULAR GANG, AND IT'S 89. THERE
12 ARE 81 IDENTIFIED ASIAN GANGS. THERE ARE 25 IDENTIFIED WHITE
13 GANGS. THERE ARE 13 IDENTIFY BLACK GANGS. THERE ARE 10
14 IDENTIFIED PACIFIC ISLANDER GANGS. THE MALES COMPRISE 90
15 PERCENT OF THE 20,000. THE NUMBER OF MALES IS 18,214; FEMALES,
16 2,007. BASICALLY, THE COMPARISON OF THE NUMBER OF ENTRIES IN
17 THE GREAT SYSTEM WITH THE ENTIRE POPULATION COMPRISES 8 PERCENT
18 OF OUR TOTAL POPULATION -- I'M SORRY -- IT'S .8 PERCENT.
19 EXCUSE ME.

20 WE HAVE, AS A GANG STEERING COMMITTEE, RECENTLY
21 ATTEMPTED TO ADDRESS THE ISSUE OF CONSISTENT DEFINITION AND
22 CONSISTENT INFORMATION TO BOTH OUR POLICE OFFICERS AS WELL AS
23 THE PUBLIC, AS IT PERTAINS TO DEFINING GANGS AND DEFINING
24 "GREAT"; WHAT IT IS AND WHAT IT ISN'T; WHAT ITS PURPOSE IS.

25 WE ARE IN THE FINAL STAGES OF FINISHING A BROCHURE

1 WHICH WILL HAVE THE EFFECT OF BEING AVAILABLE TO EDUCATE BOTH
2 LAW ENFORCEMENT OFFICERS AND ALL MEMBERS OF THE PUBLIC. THIS
3 BROCHURE IS, VIRTUALLY, WEEKS FROM BEING PRINTED. IT'S IN ITS
4 LAST APPROVAL STAGES.

5 I'VE TALKED TO THE PRESIDENT OF OUR ASSOCIATION, AND
6 WE WOULD BE HAPPY TO SHARE THIS DRAFT WITH THIS COMMITTEE. IT
7 IS NOT A PUBLIC RECORD AT THIS TIME. WE WOULD ASK YOU NOT
8 RELEASE IT UNTIL WE CAN DO THE FINAL DRAFT AND DO THE FINAL
9 PRINTING; BUT FOR THE BENEFIT OF THIS COMMITTEE, I'D BE HAPPY
10 AND WE WOULD BE HAPPY AS THE ASSOCIATION TO SHARE WITH THE FIVE
11 OF YOU A COPY, WHICH ADDRESSES SOME OF THE ISSUES THAT I
12 COVERED AND, PARTICULARLY, IN TERMS OF THE DEFINITION OF STREET
13 GANGS, THE GREAT CAL I.D. SYSTEM, AND SOME OF THE OTHER
14 DEFINITION ISSUES INCLUDING LEGISLATION.

15 MR. HERNANDEZ: WE WOULD APPRECIATE THAT, CHIEF. AND WE
16 WILL MARK IT AS A DRAFT. AND BEFORE WE GO TO PRINT, WE'LL CALL
17 YOU TO OBTAIN THE FINAL DRAFT OF THE DOCUMENT.

18 MR. DU CHESNE: SO I'LL STOP THERE. I'M SURE THAT THERE
19 ARE GOING TO BE QUESTIONS LATER, BUT THAT GIVES YOU SOME
20 OVERVIEW AND SETS THE STAGE FOR YOU TO ASK SOME QUESTIONS.

21 MR. HERNANDEZ: YES. MS. FUA?

22 MS. FUA: I HAVE A QUESTION FOR SERGEANT -- I'M SORRY. I
23 DON'T KNOW YOUR LAST NAME. KAUFFMAN?

24 MR. KAUFFMAN: KAUFFMAN.

25 MS. FUA: SINCE THE LITIGATION OF THE ACLU SETTLEMENT, AND

1 YOU NOW HAVE THIS PROCEDURE IN PLACE, HOW SUCCESSFUL DO YOU
2 FEEL YOUR ABILITY TO DEAL WITH THE GANG PROBLEM IS?

3 MR. KAUFFMAN: I THINK THAT WE ARE STILL SUCCESSFUL IN
4 BEING ABLE TO DEAL WITH THE GANG PROBLEM. IT HAS NOT REALLY
5 CREATED MUCH OF A PROBLEM AT ALL.

6 MS. FUA: AND HOW MANY OTHER AGENCIES HAVE ADOPTED THIS
7 PROGRAM?

8 MR. KAUFFMAN: AS CHIEF KNEE SAID, WE STOPPED COUNTING
9 AFTER 100 REQUESTS FROM AGENCIES.

10 MS. FUA: THAT'S DIFFERENT. THEY'RE ASKING FOR THE
11 PROGRAM. BUT HOW MANY HAVE ACTUALLY ADOPTED THE PROGRAM?

12 MR. KAUFFMAN: THAT, I'M NOT CERTAIN OF.

13 MS. FUA: DO YOU KNOW, IN ORANGE COUNTY, HOW MANY HAVE
14 ADOPTED THE PROGRAM?

15 MR. KAUFFMAN: I'M NOT CERTAIN OF THAT EITHER.

16 MR. HERNANDEZ: MS. BUITRAGO?

17 MS. BUITRAGO: THIS QUESTION IS FOR MR. -- I'M PROBABLY
18 GOING TO MISPRONOUNCE YOUR LAST NAME -- DU CHESNE?

19 MR. DU CHESNE: DU CHESNE.

20 MS. BUITRAGO: DU CHESNE. WILL THE PAMPHLET THAT YOU'RE
21 TALKING ABOUT INCLUDE A DESCRIPTION OF THE SPECIFIC CRITERIA
22 THAT IS USED TO IDENTIFY GANG MEMBERS?

23 MR. DU CHESNE: IT DOES INCLUDE A DETAILED DESCRIPTION OF
24 THE CRITERIA IN PARAGRAPH FORM. YES, I THINK IT WILL BE PRETTY
25 SELF-EXPLANATORY AND WILL, FOR THE AVERAGE LAYMEN, PROVIDE THE

1 INFORMATION THAT DESCRIBES THE CRITERIA THAT YOU WOULD FIND IN
2 A LITTLE MORE LEGALESE ELSEWHERE.

3 MS. BUITRAGO: I'M JUST A LITTLE BIT CONFUSED BECAUSE
4 EARLIER THIS MORNING, I BELIEVE, ONE OF THE SPEAKERS FROM THE
5 HLU TALKED ABOUT HOW THEY TALKED -- I BELIEVE THE CHAIR OF THE
6 CGNAC COMMITTEE -- REGARDING WHETHER THERE WERE STABILIZED
7 CRITERIA ADOPTED. AND THEY WERE TOLD THEY HAD NONE; THAT THERE
8 WERE NOT STABILIZED CRITERIA. AND IF THOSE ARE GOING TO BE
9 INCLUDED IN THIS, DOES THAT MEAN THAT YOU DO HAVE THEM OR DON'T
10 HAVE THEM?

11 MR. DU CHESNE: THAT'S INACCURATE. THERE IS STATEWIDE
12 CRITERIA. AND CGNAC, FOR YEARS, HAS BEEN THE OVERSIGHT
13 COMMITTEE OF ALL THE POLICIES OF THE GREAT SYSTEM AND WILL
14 CONTINUE WITH THE NEW CAL GANG BY OCJP AND THE ATTORNEY
15 GENERAL, AND THE SEVEN NODE COORDINATORS, AND ANY OTHER
16 OVERSIGHT THAT MIGHT BE BUILT INTO THIS NEW SYSTEM. BUT AT THE
17 PRESENT TIME, THAT IS THE OVERSIGHT.

18 MS. BUITRAGO: SO IN OTHER WORDS, THE CHAIR MADE A
19 MISSTATEMENT?

20 MR. DU CHESNE: I WASN'T HERE FOR THAT STATEMENT; BUT IF
21 THAT STATEMENT WAS MADE, THAT'S INACCURATE.

22 MS. BUITRAGO: AND RELATED TO -- JUST ONE MORE QUESTION
23 RELATED TO THAT ISSUE. AND THAT IS: WHAT HAPPENS TO A GROUP
24 IN THE NODE WHO DOESN'T FOLLOW OR MAYBE IT'S NOT USING THE
25 STANDARD UNIFORM CRITERIA? ARE THERE ANY PENALTIES, OR HOW DO

1 YOU DEAL WITH SOMEONE WHO MAY NOT -- YOU KNOW, PARTICULARLY AN
2 AGENCY WHO MAY NOT BE LISTING THE STANDARD CRITERIA? HOW DO
3 YOU DEAL WITH THAT?

4 MR. DU CHESNE: OH, YEAH, THERE ARE DEFINITE SANCTIONS IN
5 THE CONTRACT THAT'S SIGNED, IN ORDER TO ENTER THE GREAT SYSTEM,
6 AND THERE ARE SANCTIONS ALL THE WAY TO SUSPENSION.

7 MR. HERNANDEZ: MR. ERLER?

8 MR. ERLER: I'M A LITTLE CONFUSED NOW ABOUT THIS STATEWIDE
9 STANDARD, BECAUSE WE HEARD EARLIER THAT DIFFERENT DEPARTMENTS
10 -- POLICE DEPARTMENTS IN ORANGE COUNTY HAVE DIFFERENT
11 STANDARDS WITH RESPECT TO PHOTOGRAPHS, FOR EXAMPLE.

12 IS THERE A UNIFORM STANDARD IN THIS COUNTY AS TO
13 WHEN TO TAKE PHOTOGRAPHS AND NOT TO TAKE PHOTOGRAPHS OR WHAT
14 THE CRITERIA MIGHT HAPPEN TO BE FOR TAKING PHOTOGRAPHS?

15 MR. DU CHESNE: AGAIN, I DIDN'T HEAR THE TESTIMONY THIS
16 MORNING, BUT PHOTOGRAPHS, I THINK, HAVE BEEN COVERED. THERE
17 ARE TWO WAYS YOU CAN TAKE A PHOTOGRAPH -- OR ACTUALLY THREE
18 WAYS: ONE, IF A PERSON WAS IN PUBLIC DOMAIN AND THERE'S NO
19 EXPECTATION OF PRIVACY IN PUBLIC. SO PUTTING THAT ASIDE,
20 THERE'S A VOLUNTARY PHOTO IF SOMEONE IS CONTACTED ON THE
21 STREET, AND THERE'S AND A VOLUNTARY INTERVIEW A VOLUNTARY
22 SUBMISSION TO THE PHOTOGRAPH. THAT'S ONE WAY. AND THE OTHER
23 WAY IS -- THE ONLY OTHER WAY IS IF THERE'S A REASONABLE
24 SUSPICION -- AS WE'VE ARTICULATED A FEW MOMENTS AGO -- THAT THE
25 PERSON IS EITHER ABOUT TO COMMIT A CRIME OR HAS COMMITTED A

1 CRIME OR IS COMMITTING A CRIME. AND AT THAT POINT IN TIME, THE
2 QUESTION IS: IS THERE A REASONABLE SUSPICION TO DETAIN? AND
3 IF THERE IS A REASONABLE SUSPICION TO DETAIN, THEN, IT FOLLOWS
4 THAT YOU CAN TAKE THE PHOTOGRAPH.

5 NOW, THE DEFINITION OF REASONABLE SUSPICION -- AS
6 ENTERED IN 200 YEARS OF CONSTITUTIONAL LAW -- IS OBVIOUSLY VERY
7 COMPLEX.

8 MR. ERLER: NO. WE UNDERSTAND. I UNDERSTAND THAT. I
9 THINK WE'RE CLEAR ABOUT THAT. BUT SOME OTHER MEMBERS OF SOME
10 OF THE OTHER PANELS READ DEPARTMENTAL REGULATIONS FROM
11 DIFFERENT DEPARTMENTS THAT GAVE THE DIFFERENT CRITERIA WITH
12 RESPECT TO WHAT CONSTITUTES A GANG MEMBER; WHAT CONSTITUTES AN
13 ASSOCIATE GANG MEMBER; WHAT CONSTITUTES AN AFFILIATE GANG
14 MEMBER, AND SO ON AND SO FORTH. SO THERE ARE NO UNIFORM
15 STANDARDS IN THAT REGARD?

16 DU CHESNE: AS FAR AS GREAT GOES, THERE IS. ANYBODY
17 SUBMITTING A SUSPECTED GANG MEMBER INTO THE GREAT SYSTEM HAS TO
18 SUBSCRIBE TO OUR CRITERIA AND THE CRITERIA OF CGNAC, WHICH IS A
19 STATEWIDE STANDARD AND WILL REMAIN A STATEWIDE STANDARD AS IT
20 GOES INTO THE CAL GANG SYSTEM.

21 MR. ERLER: OKAY. THEN WE MUST HAVE GOTTEN SOME
22 MISINFORMATION EARLIER. BUT LET ME ASK YOU SOMETHING ABOUT --
23 DID YOU MENTION THAT THERE WERE 1,000 PHOTOGRAPHS IN THE ORANGE
24 COUNTY NODE?

25 MR. DU CHESNE: IN THE NODES IN ORANGE COUNTY, IN THE 27

1 NODES, A TOTAL OF 1,000 PHOTOGRAPHS, NONE OF WHICH ARE
2 ACCESSIBLE BY THE D.A.'S NODE, WHICH IS THE SEVEN NODES.

3 MR. ERLER: OKAY. THOSE ARE ONLY FOR THOSE WHO SUBSCRIBE
4 TO THE NODES IN ORANGE COUNTY, THEN?

5 MR. DU CHESNE: THEY ARE ONLY AVAILABLE TO THE INDIVIDUAL
6 DEPARTMENTS. THEY PUT THEM INTO THEIR OWN PC.

7 MR. ERLER: RIGHT. I UNDERSTAND THAT. NOW, YOU SAY THAT
8 THERE'S SOMETHING IN EXCESS OF 20,000 GANG MEMBERS IN ORANGE
9 COUNTY.

10 MR. DU CHESNE: IN THE ORANGE COUNTY GREAT SYSTEM, THERE
11 ARE OVER 20,000 ENTRIES, AS WE SPEAK.

12 MR. ERLER: SO YOU HAVE PHOTOGRAPHS ON ABOUT 5 PERCENT OR
13 SLIGHTLY LESS THAN 5 PERCENT?

14 MR. DU CHESNE: YES, WE DO.

15 MR. ERLER: DO YOU HAVE ANY ETHNIC BREAKDOWN FOR THE
16 PHOTOGRAPHS?

17 MR. DU CHESNE: NO, I DON'T.

18 MR. ERLER: SO, THEN, THIS IS A FAIRLY SMALL NUMBER OF
19 PHOTOGRAPHS COMPARED TO THE NUMBER OF GANG MEMBERS IN ORANGE
20 COUNTY, THEN? I MEAN, MOST OF THE CONCERN THAT WE HAVE HEARD
21 IN OTHER PANELS ABOUT THE SYSTEM OF PHOTOGRAPHING, POSSIBLE
22 RIGHTS VIOLATIONS WITH RESPECT TO THE PHOTOGRAPHS AND SO HAVE
23 HAD NO STATISTICS WITH RESPECT TO THE NUMBER OF PHOTOGRAPHS AND
24 EXACTLY HOW THEY WERE USED.

25 NOW, WHEN THIS GOES TO THE STATEWIDE SYSTEM, WILL

1 THE PHOTOGRAPHS BE ACCESSIBLE TO ANYBODY ON THE STATEWIDE
2 SYSTEM?

3 MR. DU CHESNE: THAT'S BEING CONSIDERED IN THE NEW
4 SOFTWARE, IN THAT THERE'S NO -- I CAN'T ANSWER THAT AT THIS
5 TIME. IT'S BEING CONSIDERED. IT'S DESIRABLE, BUT IT HAS NOT
6 BEEN DECIDED AT THIS POINT.

7 MR. HERNANDEZ: I'D LIKE TO ASK A QUESTION HERE.

8 IN THE PREVIOUS PANEL, THERE WERE CONCERNS AMONG THE
9 PANELS WHO WERE REPRESENTATIVES OF VARIOUS ETHNIC GROUPS IN
10 ORANGE COUNTY THAT PEOPLE WERE BEING TARGETED IN SPECIFIC
11 NEIGHBORHOODS AND THAT CERTAIN ETHNIC AND RACIAL GROUPS WERE
12 BEING TARGETED.

13 HOW DO YOU GO ABOUT TARGETING? HOW IS THIS PROCESS
14 DECIDED UPON, AND WHAT KINDS OF INSTRUCTIONS ARE THE STREET
15 OFFICERS GIVEN AFTER THE GANG STEERING COMMITTEE MEETS? CAN
16 YOU GIVE US SOME KIND OF A BACKGROUND ON HOW THAT WORKS? ANY
17 ONE OF THE CHIEFS.

18 MR. DU CHESNE: THE GANG STEERING COMMITTEE --

19 MR. ERLER: COULD YOU SPEAK INTO THE MICROPHONE, CHIEF?

20 MR. DU CHESNE: THE GANG STEERING COMMITTEE IS AN OVERALL
21 ADMINISTRATIVE COMMITTEE. WE DON'T SET INDIVIDUAL POLICE
22 DEPARTMENT POLICIES. SO EACH INDIVIDUAL DEPARTMENT COULD --

23 MR. HERNANDEZ: IS CONTROLLED BY THEIR CITY.

24 MR. DU CHESNE: YEAH, BUT THEY DON'T -- IT'S NOT AN
25 ADVISORY GROUP, OR WE DON'T DICTATE POLICIES TO ANY INDIVIDUAL

1 CITY OR COUNTY OR ANYTHING ELSE.

2 MR. HERNANDEZ: SO THEY COULD DECIDE NOT TO.

3 MR. DU CHESNE: OURS IS AN ADMINISTRATIVE GROUP THAT WE
4 FORMED ON OUR OWN, AND WE USE IT TO COOPERATE MORE AND THINGS
5 LIKE THAT.

6 MR. HERNANDEZ: NOW, WHAT ABOUT THE CHARGE THAT WAS MADE
7 BY SOME OF THE PEOPLE ON THE FORUM THAT INDIVIDUAL ETHNIC
8 GROUPS ARE BEING TARGETED? I NOTICE THAT THE OVERWHELMING
9 MAJORITY OF THE PEOPLE IN THE GANG DATABASE ARE HISPANIC AND
10 FOLLOWED BY ASIAN. AND WE HAD MEMBERS OF THE PANEL -- HOW
11 WOULD YOU RESPOND TO THAT CHARGE?

12 MR. DU CHESNE: I MIGHT TELL YOU THAT PROBABLY THE GREAT
13 SYSTEM'S DATABASE DIRECTLY REFLECTS THE COMPOSITION OF THE
14 COMMUNITY IN ORANGE COUNTY. I'M NOT SURE OF THE DEMOGRAPHICS,
15 BUT I DO BELIEVE THAT THE HISPANIC POPULATION IS GROWING
16 RAPIDLY. AND SO THAT'S ALL WE HAVE. AND YOU'LL NOTICE THERE
17 ARE VERY FEW BLACK GANG MEMBERS IN THERE. AND WE HAVE VERY FEW
18 BLACK GANGS, SO WE SIMPLY ARE REFLECTING WHAT'S OUT THERE IN
19 THE COMMUNITY.

20 MR. HERNANDEZ: MS. FUA?

21 MS. FUA: CHIEF DU CHESNE, I JUST WANT TO CLARIFY
22 SOMETHING ABOUT THIS CRITERIA. ARE YOU SAYING THAT CGNAC --
23 WHATEVER -- OBVIOUSLY, I HAVEN'T DRANK IT; RIGHT? -- ARE YOU
24 SAYING THAT THIS CRITERIA HAS BEEN AROUND FOR A NUMBER OF YEARS
25 AND THAT EVERY AGENCY THAT IS PART OF GREAT HAS BEEN, YOU KNOW,

1 RESPONSIBLE FOR ADHERING TO THIS CRITERIA? IS THAT MY
2 UNDERSTANDING OF WHAT YOU SAID?

3 MR. DU CHESNE: THAT'S CORRECT.

4 MS. FUA: AND HOW LONG HAS THIS CRITERIA BEEN AROUND FOR?

5 MR. DU CHESNE: IT'S BEEN AROUND AS LONG AS I'VE BEEN
6 ASSOCIATED WITH GREAT, AND THAT'S FIVE AND A HALF YEARS.

7 MS. FUA: IS THIS CRITERIA PUBLIC?

8 MR. DU CHESNE: YES. AND IT'S BEEN RELEASED TO THE ACLU A
9 NUMBER OF TIMES IN THE DISCOVERY ACTIVITIES THROUGH THE SEVERAL
10 LEGAL SYSTEMS. IN FACT, I WAS INVOLVED IN DISCOVERING THIS
11 VERY MATERIAL AS PART OF THE PUBLIC RECORD OF GREAT SEVERAL
12 YEARS AGO TO THE ACLU.

13 MS. FUA: THE ACLU TESTIFIED TODAY THAT THEY TALKED TO A
14 MEMBER OF CGNAC, AND THEY DID NOT -- THEY SAID THAT THEY DIDN'T
15 HAVE A STANDARD CRITERIA. SO, OBVIOUSLY, THERE'S SOME KIND OF
16 CONFUSION, MISCOMMUNICATION, WHATEVER. TO THE OTHER CHIEFS
17 THAT ARE HERE, I ASK THE QUESTION OF WHETHER OR NOT THE GARDEN
18 GROVE PROGRAM HAS BEEN ADOPTED. IF YOU GUYS COULD ANSWER THAT,
19 I WOULD APPRECIATE THAT.

20 MR. KAUFFMAN: FOR THE CITY OF GARDEN GROVE?

21 MS. FUA: THE OTHER CITIES, IF THEY'VE BEEN ADOPTED; AND
22 IF NOT, WHY NOT?

23 MR. MC KINLEY: PAT MC KINLEY, CHIEF OF POLICE OF
24 FULLERTON. ALTHOUGH WE HAVEN'T ADOPTED QUOTE/UNQUOTE THOSE
25 POLICIES, I THINK IF ONE LOOKED AT THE SYSTEM, NOTHING CHANGED

1 A GREAT DEAL. IF AN OFFICER HAS A REASONABLE CAUSE TO BELIEVE
2 THAT A PERSON IS ENGAGED IN CRIMINAL ACTIVITY, THEY WILL WRITE
3 A FIELD INTERVIEW CARD. SO WHEN YOU ASK -- PERHAPS YOU COULD
4 TELL US WHAT YOU THINK OR WHAT PROBLEM YOU HAVE WITH THE FIELD
5 INTERVIEW CARDS, THEN MAYBE WE CAN RESPOND TO THAT.

6 MS. FUA: WELL, FROM THE TESTIMONY THAT WAS GIVEN TODAY,
7 IT SOUNDED LIKE THERE WERE HUGE PROBLEMS, IN TERMS OF DUE
8 PROCESS, IN TERMS OF THE FIELD CARD AND THE PHOTOGRAPHS; AND
9 THAT THE ACLU SUED THE GARDEN GROVE POLICE DEPARTMENT AND HAD A
10 SETTLEMENT AGREEMENT -- WHICH WE ALL RECOGNIZE IS A COMPROMISE
11 -- BUT SEEMS TO HAVE SOME PROCEDURAL PROTECTIONS FOR PEOPLE
12 ACCUSED OF BEING GANG MEMBERS.

13 AND SINCE SERGEANT -- I DON'T KNOW HIS LAST TIME --
14 TESTIFIED THAT THE PROGRAM HAS WORKED AS WELL WITH THESE KINDS
15 OF PROCEDURAL PROBATIONS, I'M JUST WONDERING WHY OTHER POLICE
16 DEPARTMENTS HAVEN'T ADOPTED THIS, BECAUSE IT ALLOWED -- IT
17 BALANCES BETWEEN, YOU KNOW, INDIVIDUAL RIGHTS AND COMMUNITY
18 SAFETY ISSUES. SO THAT'S WHERE I'M COMING FROM.

19 MR. MC KINLEY: OKAY. IN ANSWER TO YOUR QUESTION, I THINK
20 WE ALL FOLLOW SOMETHING VERY, VERY SIMILAR, AS FAR AS -- WE
21 DON'T JUST WILLY-NILLY STOP PEOPLE ON THE STREET AND JUST WRITE
22 AN F.I. CARD. I MEAN, THERE HAS TO BE SOME REASON FOR DOING
23 THAT. AND IT USUALLY HAS TO DO WITH CRIMINAL ACTIVITY.

24 MR. HERNANDEZ: LET ME JUST JUMP IN HERE, BECAUSE THIS IS
25 WHERE I THINK MAYBE USING THIS EXAMPLE WE MIGHT BE ABLE TO GET

1 CLEAR. I THINK CHIEF KNEE -- SERGEANT -- I'M SORRY -- REFERRED
2 TO A POSSIBLE -- I THINK IT WAS CHIEF KNEE -- A POSSIBLE APPEAL
3 PROCESS IN THE EVENT THAT -- SAY, I'M A PARENT, AND MY
4 YOUNGSTER HAS BEEN STOPPED. AND HE COMES HOME, AND HE SAYS,
5 DAD, MY PICTURE WAS TAKEN, AND THEY FILLED OUT A CARD ON ME,
6 AND THEY LET ME GO.

7 AND I SAY TO HIM, WELL, WHAT HAPPENED? AND SO ON,
8 AND HE SAYS, WELL, I JUST GOT STOPPED. THEY ASKED ME A BUNCH
9 OF QUESTIONS. I ANSWERED THE QUESTIONS. THEY SIGNED THIS
10 THING. I DIDN'T KNOW WHAT I WAS SIGNING. THEY TOOK MY
11 PICTURE, AND THEY LET ME GO.

12 SO I CALL THE FULLERTON POLICE DEPARTMENT AND I SAY,
13 I WOULD LIKE TO FIND OUT WHAT HAPPENED TO THIS CARD ON MY SON;
14 WHAT HAPPENED TO THE PICTURE; WHAT'S GOING TO BE DONE WITH THE
15 PICTURE; AND IF THE CARD IS GOING TO BE HELD IN A DATABASE; OR
16 IF THE PICTURE IS GOING TO BE HELD IN A DATABASE, I WOULD LIKE
17 THAT PICTURE AND THE CARD TAKEN OUT OF YOUR DATABASE BECAUSE MY
18 SON IS NOT A GANG MEMBER.

19 DO YOU HAVE A POLICY EXACTLY THE SAME AS THE GARDEN
20 GROVE POLICE DEPARTMENT WITH RESPECT TO APPEALS?

21 MR. MC KINLEY: WELL, IT'S DIFFICULT TO SAY IT'S A
22 POLICY. I THINK ALL OF US, EVERY CHIEF I KNOW IN THE COUNTY,
23 IS OPEN TO ANY COMMUNITY MEMBER CALLING THEM AND TALKING TO
24 THEM ABOUT ANY PROBLEM THEY MAY HAVE WITH SOMETHING THAT
25 OCCURRED IN THE FIELD. WE RECEIVE THOSE CALLS EVERY DAY, AND

1 WE RESPOND TO THEM IN TIME.

2 IF IT WOULD HELP, I HAVE WHAT FULLERTON'S WRITTEN
3 POLICIES REGARDING IDENTIFYING A GANG MEMBER, WHEN WE
4 PHOTOGRAPH, AND WHEN WE PHOTOGRAPH SOMEBODY WHO IS A GANG
5 MEMBER. AND IF THAT WOULD HELP, I COULD ALSO DO THAT.

6 MR. HERNANDEZ: I THINK THAT WOULD, BUT I'M KIND OF --
7 BECAUSE I'M STRUCK BY THE FACT, FOR INSTANCE, THAT IF I GET A
8 TRW ON MYSELF THAT COMES BACK NOT VERY GOOD, I HAVE THE RIGHT
9 AS A CITIZEN TO SEND SOMETHING TO TRW AND MAKE A NOTATION IN
10 THE DATABASE THAT SAYS, YOU KNOW, I WAS IN THE MIDDLE OF AN
11 EARTHQUAKE. I MAILED IT, BUT THE POST OFFICE CAVED IN; AND
12 THAT'S WHY MY PAYMENT WAS LATE ONE MONTH OR WHATEVER.

13 IS THERE A UNIFORM -- AND I THINK THIS IS WHAT WE'RE
14 TALKING ABOUT IN TERMS OF A SYSTEMATIC SET OF POLICIES THAT ALL
15 CITIZENS ACROSS ORANGE COUNTY COULD REFERENCE. SO THAT -- FOR
16 INSTANCE, IS THERE A UNIFORM APPEAL PROCESS? SO IF I'M IN
17 FULLERTON, I WOULD APPEAL THE SAME WAY THAT I'M IN GARDEN
18 GROVE; THE SAME WAY THAT I WOULD BE IN BREA; OR THE SAME WAY
19 THAT I WOULD DO IT IN LOS ALAMITOS. AND I THINK THAT'S WHERE
20 OUR CONFUSION IS. EITHER THERE IS A STANDARD THAT EVERYBODY
21 ADHERES TO, OR THERE'S A LOT OF INDIVIDUAL DEPARTMENTAL
22 STANDARDS. AND WHAT IT SOUNDS LIKE TO ME IS THAT THERE ARE
23 DEPARTMENTAL STANDARDS.

24 MR. MC KINLEY: CHIEF KNEE WOULD BE ABLE TO ADDRESS THAT
25 BETTER. HE'S BEEN IN THE MIDDLE OF THIS WHOLE THING.

1 MR. KNEE: YES, I HAVE BEEN. LET ME SAY THAT IF YOU GO
2 FROM THE EAST COAST TO THE WEST COAST, YOU RUN INTO THOUSANDS
3 OF POLICE DEPARTMENTS. ALL OF THOSE POLICE DEPARTMENTS HAVE
4 PRACTICES AND POLICIES THAT ARE WRITTEN JUST A LITTLE BIT,
5 PERHAPS, DIFFERENT FROM THE NEIGHBORING JURISDICTION.

6 WHEN, FOR INSTANCE, AN AGENCY ASKS FOR OUR POLICY ON
7 FIELD INTERVIEWS OR FOR PHOTOGRAPHS, THERE'S NO DOUBT IN MY
8 MIND THAT 99 PERCENT OF THEM ARE NOT GOING TO TAKE THAT POLICY
9 AND SIMPLY CHANGE THE NAME FROM GARDEN GROVE TO SANTA PAULA,
10 LITTLE RIVER CITY, OR WHATEVER IT IS. WHAT THEY WILL DO IS PUT
11 IT INTO THEIR LANGUAGE AND FIT IT INTO THEIR OWN
12 ORGANIZATIONS.

13 WITH REGARD TO APPEAL PROCESSES, I THINK THAT IN
14 SOME DEPARTMENTS THOSE ARE HANDLED VIA, PERHAPS, THE CITIZEN
15 COMPLAINT PROCESS. SOME OF THOSE ARE HANDLED WITH A REFERRAL
16 TO A SPECIFIC PERSON IN AN ORGANIZATION. WHETHER IN THE
17 LITERALLY HUNDRED PLUS POLICIES THAT WE HAVE MAILED OUT, HAS
18 ANYBODY TAKEN THE TIME TO SIMPLY REPLICATE OURS, I DON'T THINK
19 THAT THEY HAVE. NOT EVERY POLICE DEPARTMENT HAS A CHIEF'S
20 FORUM, A GROUP OF CITIZENS THAT ADVISE US, TO BE AVAILABLE.

21 BUT I WOULD THINK THAT IN ORANGE COUNTY, IF YOU
22 COLLECTED ALL OF THE POLICIES ON F.I.'S AND PHOTOGRAPHS, YOU
23 WOULD FIND THEM VERY, VERY SIMILAR AS TO WHEN WE CAN LEGALLY
24 AND APPROPRIATELY PERFORM THOSE TASKS. AND I THINK THAT THAT
25 IS ONE OF THE SIGNIFICANT THINGS OF THE SETTLEMENT WITH THE

1 ACLU.

2 MR. HERNANDEZ: OKAY.

3 MS. REYNAGA-OLSON: IN ADDITION TO THAT, I JUST WANTED TO
4 FIND OUT, YOU KNOW, YOU WERE TALKING ABOUT MAYBE -- HE HAD
5 MENTIONED ABOUT POSSIBLY SOMEBODY CALLING AND FINDING OUT WHAT
6 THE PROCESS TO APPEAL IS. WHAT ABOUT WHEN SOMEONE IS ACTUALLY
7 STOPPED, DETAINED, AND THEY'RE FILLING OUT THE FIELD INTERVIEW
8 CARDS OR THEY'RE HAVING THEIR PHOTOGRAPH TAKEN? AT THAT TIME,
9 WHY AREN'T THEY -- OR ARE THEY -- ALREADY BEING NOTIFIED AND
10 GIVEN SOME TYPE OF INFORMATION ON HOW TO APPEAL IF YOU DON'T
11 LIKE WHAT WE ARE DOING OR THIS IS WHAT'S HAPPENING TO YOU? YOU
12 HAVE THE RIGHT TO APPEAL IT, JUST LIKE THEY'RE GIVEN THE RIGHTS
13 IF THEY'RE ARRESTED, YOU KNOW, THEY'RE NOT SUPPOSED TO SAY
14 ANYTHING, YOU KNOW. AND THEY'RE GIVEN THEIR RIGHTS. OR ON
15 SOMETHING LIKE THIS, THEY'RE HAVING THEIR PHOTOGRAPH TAKEN; A
16 CARD IS BEING FILLED OUT WITH INFORMATION. ISN'T IT THEIR
17 RIGHT TO KNOW IMMEDIATELY, AT THAT POINT, OKAY, WELL IF YOU
18 DON'T WANT TO -- OR THIS IS GOING TO GO INTO A SYSTEM. THIS IS
19 WHAT YOU CAN DO ABOUT IT.

20 MR. KNEE: I ANTICIPATED THAT QUESTION, SO I WENT DOWN TO
21 OUR GANG ENFORCEMENT UNIT AND TALKED WITH THE SERGEANT AND
22 SEVERAL OF THE OFFICERS THAT WORK THERE AND TO SEVERAL OF THE
23 FIELD SERGEANTS.

24 AND THE ACROSS BOARD, WHAT HAPPENS IS WHEN AN
25 INDIVIDUAL SAYS, THIS IS B.S. I'M TELLING YOU THAT, YOU KNOW,

1 YOU HAVE NO REASON TO STOP ME. AND RIGHT ON DOWN THE ROAD,
2 ACROSS THE BOARD, THEY'RE TOLD, GO TO THE POLICE DEPARTMENT,
3 AND THERE'S A PROCESS BY WHICH YOU CAN TALK TO THE CHIEF
4 CONCERNING THE PHOTOGRAPH OR THE F.I.

5 UNFORTUNATELY -- PERHAPS UNFORTUNATELY, BUT THE
6 SITUATION ON WHICH THE INDIVIDUAL STANDS MUTE, HE'S PROBABLY
7 NOT AND -- WELL, I KNOW FOR A FACT HE'S NOT GOING TO BE ADVISED
8 OF THE PROCESS. HOWEVER, THROUGH THE TRAINING PROCESS WHEN WE
9 IMPLEMENTED THIS PROGRAM, WE TRAIN KEY PEOPLE -- ACTUALLY, WE
10 TRAIN EVERYBODY IN THE ORGANIZATION ON THIS INCLUDING
11 CIVILIANS; SO THAT IF SOMEBODY DOES CALL AND GETS MY SECRETARY
12 OR CALLS IN AND GETS A RECORDS CLERK, THEY KNOW WHAT THE POLICY
13 IS AND WHAT THE PROCESS IS; AND THEY WOULD BE MADE AWARE OF
14 THAT POLICY. BUT NO --

15 MR. HERNANDEZ: COULD WE HOLD ON JUST A SECOND? THE COURT
16 REPORTER NEEDS TO CHANGE HER PAPER.

17 MR. HERNANDEZ: MR. ERLER?

18 MR. ERLER: I HAVE A SIMILAR QUESTION, AND I'D LIKE TO
19 HEAR FROM ALL OF THE CHIEFS THAT ARE HERE. WE HEARD FROM OTHER
20 PANELS THERE SEEMS TO BE A WIDESPREAD PERCEPTION IN THE
21 COMMUNITY THAT -- QUOTING HERE FROM MORE THAN ONE WITNESS --
22 THAT THERE'S "INDISCRIMINATE PHOTOGRAPHING." AND I WOULD LIKE
23 TO KNOW: WHAT ARE THE INSTRUCTIONS TO THE OFFICERS? WHAT I'VE
24 HEARD HERE SO FAR FROM YOU IS NO PHOTOGRAPHING UNLESS IT'S
25 BASED UPON CONSENT OR INCIDENT TO A VALID DETENTION. IS THIS

1 THE INSTRUCTION THAT YOU'VE GIVEN TO YOUR OFFICERS, AND IS
2 THERE ANY OTHER KIND OF PHOTOGRAPHING THAT IS ALLOWED BY
3 DEPARTMENT POLICY? ANYONE? I'D LIKE TO HEAR FROM ALL CHIEFS.

4 MR. MC KINLEY: PERHAPS I CAN GET STARTED OUT AGAIN. I'M
5 PAT MC KINLEY, CHIEF OF POLICE OF FULLERTON. I'D LIKE TO GO
6 OVER THE GUIDELINES. THE FOLLOWING GUIDELINES ARE USED IN
7 PHOTOGRAPHING ANY SUSPECTED JUVENILE OR ADULT GANG MEMBER
8 REGARDLESS OF ETHNICITY: WHEN THE INDIVIDUAL IS SUSPECTED OF
9 BEING A GANG MEMBER FOR ANY REASON LISTED IN SECTION 3 AND THAT
10 INDIVIDUAL IS ARRESTED FOR ANY REASON -- OBVIOUSLY, WE'LL DO A
11 WANT ON THEM -- LEGALLY DETAINED AND CONSENTED TO A PHOTOGRAPH
12 OR CONTACTED BY CONSENSUAL ENCOUNTER AND AGREES TO BE
13 PHOTOGRAPHED. TO DOCUMENT THE MANNER IN WHICH THE PHOTOGRAPH
14 WAS OBTAINED, A LABEL IS ATTACHED TO THE PHOTOGRAPH. IF THE
15 PHOTOGRAPH WAS OBTAINED IN ANY MANNER NOT WITHIN THE PARAMETERS
16 DESCRIBED, IT IS NOT USED DURING THE COURSE OF THE CRIMINAL
17 INVESTIGATION. VALID PHOTOGRAPHS ARE RETAINED UNTIL A NEW ONE
18 IS OBTAINED OR UNTIL THE INDIVIDUAL IS NO LONGER SUSPECTED OF
19 BEING A GANG MEMBER.

20 AND WE HAVE A SAMPLE OF THE LABEL THAT'S ATTACHED TO
21 THE BACK OF THE PHOTOGRAPH. IT HAS THE NAME; THE DATE OF
22 BIRTH; THE MONIKER OF THE GANG; WHETHER HE'S KNOWN,
23 SELF-PROCLAIMED, OR SUSPECTED; THE DATE OF THE PHOTOGRAPH; WHO
24 IT WAS TAKEN BY, THE REASON IT WAS TAKEN. AND THAT'S HOW WE
25 HANDLE IT.

1 MR. ERLER: ANY OTHER?

2 MR. HOLSTROM: YOU WANT ME RESTATE THE --

3 MR. ERLER: NO. WELL, IF YOU CAN SAY YOU HAVE THE SAME
4 POLICY, I WOULD LIKE TO HEAR THAT AS WELL.

5 MR. HOLSTROM: FRANK, WHY DON'T YOU SUMMARIZE, IF YOU CAN,
6 OUR POLICY ON PHOTOGRAPHS.

7 MR. KAUFFMAN: THE CRITERIA THAT'S BEEN ESTABLISHED FOR
8 OUR POLICY ON TAKING PHOTOGRAPHS UNDER ANY CIRCUMSTANCES WHERE
9 A PERSON KNOWINGLY AND VOLUNTARILY GIVES CONSENT IN WRITING --
10 AND THAT IS THE FOOTNOTE ON THE STICKER ON THE BACK OF THE
11 ACTUAL POLAROID CARD ITSELF -- THE PHOTOGRAPH IS TAKEN WITHOUT
12 THE CONSENT OR KNOWINGLY, IT'S DONE DURING A DETENTION BASED
13 UPON REASONABLE SUSPICION OF CRIMINAL ACTIVITY. THE PHOTO MUST
14 SERVE A LEGITIMATE LAW ENFORCEMENT PURPOSE RELATED TO THE
15 DETENTION.

16 AND, AGAIN, AS I STATED, IF YOU HAVE A LAWFUL
17 DETENTION BUT CRIMINAL ACTIVITY IS DISPELLED BEFORE THE
18 PHOTOGRAPH IS ACTUALLY TAKEN, THEN THE PHOTOGRAPH WILL NOT BE
19 TAKEN UNLESS THERE'S CONSENT GIVEN AT THAT TIME.

20 MR. ERLER: WAS THERE ANOTHER ONE?

21 MR. COOK: I MIGHT ALSO ADD WE HAVE ALMOST THE EXACT SAME
22 POLICY. OUR POLICY HAS BEEN IN EFFECT FOR SOME TIME PRIOR TO
23 THE INCIDENT IN GARDEN GROVE, BUT IT'S RELATIVELY THE SAME. WE
24 REQUIRE WRITTEN CONSENT. WE ALSO HAVE POLICIES THAT NO ONE CAN
25 BE POSED IN A DEROGATORY MANNER AND ON, AND ON, AND ON, AND

1 ON. AND WE PUT THIS ON A SPECIAL FORM AND SEND IT IN.

2 I WOULD ALSO SAY THAT IF THERE IS A COMPLAINT, THAT
3 EVERYBODY IN THE DEPARTMENT HAS BEEN TRAINED TO REFER THEM TO
4 THE DETECTIVE LIEUTENANT; THAT HE WILL ANSWER THE COMPLAINT.
5 THEY CAN COMPLAIN ALL THE WAY UP TO ME. WE WILL, AT THAT TIME,
6 GIVE THEM A CITIZEN'S COMPLAINT FORM. THAT HAS BEEN IN EFFECT
7 IN LAW ENFORCEMENT FOR THE LAST 30 YEARS, AND IT'S STILL VERY
8 VALID AND STILL WILL GET THE SAME TYPE OF INVESTIGATION. IF
9 THEY'RE NOT HAPPY WITH OUR INVESTIGATION, THEY CAN GO TO THE
10 FBI AND FILE A CIVIL RIGHTS COMPLAINT. AFTER THAT, THEY CAN GO
11 TO THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY. SO IS ARE
12 JUST ONE LEVEL AFTER ANOTHER IF YOU WANT TO MAKE A COMPLAINT.
13 THAT'S NOT A PROBLEM.

14 MR. HERNANDEZ: I'D LIKE TO ASK JUST A QUICK QUESTION. I
15 THINK IT'S TO CHIEF COOK BECAUSE YOU'RE WITH THE CHIEFS OF
16 POLICE AND SHERIFF'S ASSOCIATION. IS THAT AN UMBRELLA?

17 MR. COOK: YES. THAT'S OUR ASSOCIATION, AND IT COVERS
18 EVERY JURISDICTION IN ORANGE COUNTY.

19 MR. HERNANDEZ: I WAS JUST WONDERING HOW MANY MINORITY OR
20 WOMEN CHIEFS OF POLICE ARE THERE IN THE COUNTY?

21 MR. COOK: HOW MANY WOMEN ARE INVOLVED IN LAW
22 ENFORCEMENT?

23 MR. HERNANDEZ: NO, NO. I WANTED TO KNOW HOW MANY -- IT'S
24 A SERIOUS QUESTION. HOW MANY AFRICAN-AMERICAN, LATINO, FEMALE
25 CHIEFS OF POLICE ARE THERE IN ALL OF THE JURISDICTIONS. AND I

1 FIGURED YOU WOULD KNOW SINCE YOU KNOW ALL OF THE CHIEFS OF
2 POLICE IN ORANGE COUNTY.

3 ARE THERE ANY FEMALE OR MINORITY CHIEFS OF POLICE IN
4 THE COUNTY OF ORANGE?

5 MR. COOK: THERE ARE.

6 MR. HERNANDEZ: CHIEFS OF POLICE?

7 MR. COOK: YES. I THINK KATHY STANLEY IS A POLICE CHIEF,
8 AND THERE ARE SEVERAL OTHERS. NOW, ARE YOU SAYING ARE THERE
9 MINORITY PEOPLE OR ARE THERE WOMEN?

10 MR. HERNANDEZ: NO. MINORITIES AND WOMEN. SO HOW MANY
11 TOTAL POLICE CHIEFS ARE THERE IN THE COUNTY OF ORANGE?

12 MR. COOK: 22 CHIEFS.

13 MR. HERNANDEZ: AND OF THOSE 22 CHIEFS, HOW MANY WOMEN
14 CHIEFS OF POLICE ARE THERE?

15 MR. COOK: WELL, THIS IS SOMETHING THAT'S KIND OF TOTALLY
16 UNEXPECTED, BUT I WOULD SAY PERHAPS ONE.

17 MR. HERNANDEZ: AND HOW MANY AFRICAN-AMERICAN, AND HOW
18 MANY LATINOS, AND HOW MANY ASIANS? DO YOU KNOW OF ANY LATINOS,
19 ANY ASIANS, OR ANY AFRICAN/AMERICANS AMONG THOSE 22?

20 MR. COOK: AGAIN, YOU'RE ASKING ME SOMETHING THAT I'M
21 GOING TO --

22 MR. HERNANDEZ: COULD THE AUDIENCE PLEASE -- I'M NOT
23 ASKING THIS TO TRY TO TRIP ANYBODY UP. I JUST WANTED TO KNOW
24 BECAUSE I THINK THE OBSERVATION WAS MADE THAT THE COUNTY OF
25 ORANGE IS INCREASINGLY BECOMING MORE AND MORE MINORITY. I

1 THINK THAT TESTIMONY WAS GIVEN. AND SO IN LIGHT OF THAT, I
2 WANTED TO KNOW WAS THE GROWTH IN THE POPULATION REFLECTED
3 ANYWHERE.

4 MR. MC KINLEY: WAIT A SECOND. I THINK I CAN HELP YOU,
5 MR. CHAIRMAN. THE LAST HISPANIC CHIEF WE HAD WAS MANNY
6 ORTEGA. HE JUST RECENTLY RETIRED FROM BEING A CHIEF. HE WAS
7 REPLACED BY A PROFILE LIKE US. THERE'S ONE WOMAN, AND I THINK
8 THE REST ARE THE ENTIRE LIST.

9 MR. HERNANDEZ: THANK YOU VERY MUCH. THAT ANSWERS MY
10 QUESTION. MS. BUITRAGO?

11 MS. BUITRAGO: ACTUALLY, I HAVE TWO QUESTIONS, AND THEY'RE
12 KIND OF UNRELATED. ONE IS FOR MR. DU CHESNE AND THAT IS -- I
13 DON'T KNOW IF YOU'RE FAMILIAR WITH A STUDY THAT WAS DONE OR A
14 PRESENTATION THAT WAS DONE BY THE GENERAL ACCOUNTING OFFICE IN
15 1992, WHICH IS APPROXIMATELY 5 YEARS AGO. AND ONE OF THE
16 THINGS THAT THE STUDY TALKED ABOUT WAS THE FACT THAT OUT OF 181
17 RECORDS 69 PERCENT OF THOSE RECORDS DID NOT SHOW EXACTLY WHAT
18 KIND OF CRITERIA WAS USED TO IDENTIFY THE INDIVIDUAL AS A GANG
19 MEMBER. AND RELATED TO THE QUESTIONS THAT I HAD ASKED YOU
20 BEFORE IN TERMS OF DO YOU HAVE CRITERIA IN ASSUMING THAT THE
21 CONFUSION IS CLEARED UP AND THAT YOU DO HAVE CRITERIA, HOW CAN
22 YOU IMPLEMENT TO MAKE SURE THAT THE CRITERIA ARE, IN FACT,
23 BEING USED BY THE MEMBERS?

24 MR. DU CHESNE: WELL, THAT QUESTION -- I'LL CERTAINLY
25 ANSWER IT -- BUT THE QUESTION LEADS TO A COUPLE OF QUESTIONS.

1 I'M NOT AWARE OF THAT STUDY. I'M SURPRISED THAT I'M NOT AND
2 THAT IT HASN'T COME TO MY ATTENTION, BUT I DON'T KNOW IF THAT
3 WAS DONE IN CALIFORNIA BECAUSE THERE ARE GREAT SYSTEMS IN OTHER
4 STATES.

5 MS. BUITRAGO: IT WAS DONE IN LOS ANGELES.

6 MR. DU CHESNE: I AM NOT FAMILIAR WITH IT. I CAN TELL YOU
7 THAT IN THE ORANGE COUNTY SYSTEM, WHICH IS THE PROCESS THAT IS
8 IN PLACE FOR ALL THE NODES, THAT THE SAME CRITERIA APPLIES; AND
9 THE COMPUTER PROGRAM THAT'S PROVIDING THE GREAT SYSTEM HAS 35
10 FIELDS. AND YOU HAVE TO BE VERY CLEAR AND EXPLICIT ON WHICH OF
11 THE FIVE CRITERIA THAT YOU DESIGNATE FOR THE ENTRY.

12 AND IT'S AUDITED AND IT'S COMPLETELY -- EVERY TIME
13 SOMEONE MAKES AN INQUIRY OR MAKES A CHANGE OR PUTS SOME PIECE
14 OF INFORMATION IN THE SYSTEM, THERE'S A VERY COMPLETE AUDIT
15 TRAIL. I HAVE SOME WITH ME, BUT -- THEY'RE NOT PUBLIC RECORDS
16 -- BUT I'D BE HAPPY TO -- UNDER CONTROLLED CIRCUMSTANCES --
17 SHARE IT WITH ANY OF YOU, PERHAPS, AT A BREAK TO SHOW YOU HOW
18 CLOSE THE CONTROL IS.

19 BUT TO ANSWER YOUR QUESTION, AS FAR AS ORANGE COUNTY
20 AND AS FAR AS THE SEVEN NODES AND AS FAR AS THE WAY THE SYSTEM
21 IS SUPPOSED TO WORK AND THE WAY IT WORKS IN ORANGE COUNTY,
22 THERE'S A VERY CONTROLLING COMPUTER PROGRAM WHICH REQUIRES VERY
23 PRECISE INPUT OF INFORMATION AS TO WHY SOMEBODY IS BEING
24 ENTERED. AND WHEN YOU CHANGE FROM ONE CATEGORY TO ANOTHER, YOU
25 SHOW THAT THE CHANGE IS MADE ON WHAT DATE AND WHY AND WHAT

1 INFORMATION WAS PROVIDED TO MAKE THE CHANGE.

2 FOR EXAMPLE, I HAVE A SAMPLE OR TWO WITH ME WHERE
3 THE INDIVIDUAL WAS ARRESTED IN THE COMPANY OF A GANG MEMBER,
4 AND THEN THE GANG MEMBER CODEFENDANT TOLD THE OFFICERS THAT THE
5 PERSON ARRESTED WITH HIM WAS A JUMP-IN GANG MEMBER. SO THAT
6 PERSON WOULD BE ENTERED IN THERE UNDER THE CATEGORY OF NOT
7 SELF-ADMITTING; BUT THE FACT THAT THERE'S BEEN STRONG SUSPICION
8 PLUS COOPERATION FROM AN INDEPENDENT SOURCE -- THAT BEING THE
9 CODEFENDANT -- THAT HE'S A JUMP-IN GANG MEMBER, AND LATER THAT
10 GANG MEMBER ADMITTED THAT HE WAS A GANG MEMBER MANY TIMES OVER
11 SO THAT THAT CLASSIFICATION WOULD GO UP TO THE HIGHEST, WHICH
12 IS SELF-ADMITTED.

13 SO ALL OF THAT IS COMPLETELY DOCUMENTED IN EVERY
14 RECORD, ALL 20,000 RECORDS IN ALL CASES. SO THERE'S NO ROOM
15 FOR ERROR HERE UNLESS SOMEBODY IS JUST IGNORING, IN SOME
16 LOCATION IN THE COUNTRY, THE PRESCRIBED REGULATIONS.

17 MS. BUITRAGO: MY SECOND QUESTION AND THIS WILL BE MY
18 FINAL QUESTION, AND THAT'S DIRECTED TO MS. MAC DOUGALL. AND
19 I'D LIKE TO MAYBE HAVE AN IDEA OF THE KINDS OF NAMES OF
20 COMMUNITY ORGANIZATIONS, PARTICULARLY MINORITY COMMUNITY
21 ORGANIZATIONS, ORGANIZATIONS THAT REPRESENT MINORITY
22 COMMUNITIES, THAT ARE PART OF THE PREVENTIVE ASPECT OF THE GANG
23 FIGHT.

24 AND SECONDLY, IN TERMS OF YOUR OWN STAFF FOR THE
25 PROJECT, WHAT'S THE KIND OF DIVERSITY THAT YOU HAVE?

1 MR. HERNANDEZ: CAN I JUST -- BEFORE YOU FINISH ANSWERING
2 THAT QUESTION, I'VE GOT A PLANE TO CATCH. AND SO I'M GOING TO
3 -- WHAT I'M GOING TO DO IS EXCUSE MYSELF. LUZ BUITRAGO IS THE
4 COCHAIR OF THE COMMITTEE, SO I WILL TURN THE GAVEL, SO TO
5 SPEAK, OVER TO YOU.

6 AND JUST ON MYSELF AS CHAIR, I'D JUST LIKE TO THANK
7 ALL OF THE CHIEFS FOR BEING HERE TODAY, AND THANK YOU VERY MUCH
8 TO YOUR TESTIMONY AND YOUR COOPERATION BETWEEN THIS COMMITTEE.
9 AND WE VERY MUCH APPRECIATED IT, AND I JUST WANT TO THANK YOU
10 AGAIN. THANK YOU.

11 MS. MAC DOUGALL: TO ANSWER YOUR FIRST QUESTION ABOUT THE
12 ETHNIC DIVERSITY OF THE STAFF THAT MAKE THE PRESENTATIONS OUT
13 OF THE PROJECT NO GANG SECTION, WE HAVE, SPECIFICALLY, TWO
14 HISPANICS AND A WOMAN OF ASIAN DESCENT. WE GIVE -- OUR
15 PROGRAMS ARE OFFERED IN HER LANGUAGE. SHE SPEAKS CHINESE, BUT
16 WE ALSO HAVE THE ABILITY TO GET VIETNAMESE TRANSLATORS --
17 EXCUSE ME.

18 LAST MONTH I DID A PROGRAM WHERE I WAS VERSED IN
19 SPANISH AND FARSI. IT TOOK ABOUT THREE TIMES THE TIME, BUT WE
20 DID COVER THE ENTIRE MATERIAL THAT NEEDED TO BE COVERED. WE
21 REACH ALL ETHNIC GROUPS THROUGHOUT THE COUNTY. WE ARE IN
22 INTERCITY GROUPS. WE GO TO P.T.A.'S, PARENTS ORGANIZATIONS,
23 COMMUNITY-BASED ORGANIZATIONS, SCHOOLS, CHURCHES, OUTREACH
24 PROGRAMS. WE DO APPROXIMATELY 50 PROGRAMS A MONTH AT VARIOUS
25 TIMES OF THE DAY AND NIGHT, AND TRY TO -- WHENEVER THEY WANT

1 US, WE TRY TO BE THERE TO MEET THEIR NEEDS. WE WILL GO TO AS
2 FEW AS TWO; WE'VE HAD AS MANY AS 500. THE ETHNIC DIVERSITY IS
3 AS DIVERSE AS OUR COUNTY.

4 MR. BUITRAGO: MS. FUA?

5 MS. FUA: I HAVE ONE QUICK QUESTION TO CHIEF DU CHESNE AND
6 THEN A GENERAL QUESTION FOR EVERYBODY IN THE PANEL.

7 MY QUESTION TO YOU, CHIEF DU CHESNE: IS WHAT
8 PERCENTAGE OF THE 20,000 PEOPLE THAT ARE ON THE ORANGE COUNTY
9 GREAT HAVE EVER BEEN ARRESTED?

10 MR. DU CHESNE: APPROXIMATELY 50 PERCENT.

11 MS. FUA: AND WHAT PERCENTAGE --

12 MR. DU CHESNE: ABOUT 10,000.

13 MS. FUA: OKAY. WHAT PERCENTAGE HAVE EVER BEEN
14 CONVICTED?

15 MR. DU CHESNE: I DON'T KNOW THAT. THAT INFORMATION IS
16 NOT AVAILABLE IN AN OVERALL STATISTIC. I MEAN, I'D HAVE TO
17 SEARCH 20,000 RECORDS TO COUNT THAT NUMBER. BUT I DO KNOW THAT
18 THERE HAVE BEEN ARRESTS OF AT LEAST 10,000 OF THEM.

19 MS. FUA: MY GENERAL QUESTION TO THE ENTIRE PANEL IS -- I
20 FEEL LIKE THERE'S BEEN, LIKE, TWO DIFFERENT STORIES TOLD HERE
21 TODAY. THE FIRST SET OF STORIES WAS ABOUT THE PROBLEM THAT
22 PEOPLE GET STOPPED INDISCRIMINATELY AND ARE, YOU KNOW,
23 PHOTOGRAPHED AND THAT THEIR RIGHTS ARE BEING VIOLATED. AND
24 WHAT I HEAR FROM THE CHIEFS HERE IS THAT WE HAVE A GREAT
25 PROGRAM. IT'S VERY EFFECTIVE. WE STOP GANGS.

1 AT THE VERY LEAST, I GUESS, IF THERE'S NOT --
2 THERE'S EITHER A SUBSTANTIVE PROBLEM THAT THERE'S A REAL
3 UNDERLYING PROBLEM, OR THERE'S A PERCEPTION PROBLEM IN THE
4 COMMUNITY. BUT THERE IS A PROBLEM, AND I WOULD LIKE EACH OF
5 THE CHIEFS TO TELL ME HOW THEY WOULD LIKE TO ADDRESS THAT.

6 MR. KNEE: I'M NOT SURE I CAN ADDRESS THAT. I DON'T
7 DISAGREE WITH YOU. THERE IS A PERCEPTION PROBLEM. WE TRY TO
8 HIRE ONLY THE BEST PEOPLE TO BE POLICEMEN. WE TRAIN THEM AS
9 HARD AS WE CAN. EVEN THOUGH OUR CITIES ARE FINANCING --
10 FINANCIAL BACKGROUNDS OF OUR CITIES ARE SUFFERING, WE DO
11 WHATEVER IS NECESSARY TO TRY AND KEEP OUR COMMUNITY SAFE.

12 MANY TIMES WE HAVE INCIDENCES WHERE THERE IS
13 DISAGREEMENT OVER WHAT THE POLICE HAVE DONE, WHETHER IT'S
14 INVOLVING GANGS OR WHETHER IT'S INVOLVING OTHER INDIVIDUALS WHO
15 ARE DETAINED AND ULTIMATELY ARRESTED. SIMPLY STATED, I GUESS,
16 THERE ARE TWO SIDES OF THE PIECE OF PAPER; TWO SIDES OF EVERY
17 COIN.

18 I THINK -- AND I'LL SPEAK SPECIFICALLY FOR GARDEN
19 GROVE -- I THINK WE DO THINGS RIGHT. I THINK THAT WHEN WE ARE
20 MADE AWARE OF SITUATIONS IN WHICH WE HAVE NOT DONE THEM RIGHT,
21 WE RESPOND IMMEDIATELY AND WITH THE APPROPRIATE ACTION.

22 IN THE LATE 1980'S WE HAD ONE YEAR OVER 50 HOME
23 INVASION ROBBERIES INVOLVING WHERE THE VICTIMS WERE REFUGEES.
24 NOT A SINGLE CASE WAS SOLVED BECAUSE THEY DID NOT TRUST US.
25 THEY DID NOT PARTICIPATE IN THE PROCESS. TODAY, IF WE HAVE A

1 YEAR WHERE WE HAVE 10 HOME INVASION ROBBERIES, THAT IS A BAD
2 YEAR. AND OUR ABILITY TO SOLVE THOSE CRIMES IS ACTUALLY HIGHER
3 THAN OUR SOLVABILITY WHEN APPLIED TO GENERAL ROBBERIES.

4 IT IS -- WE ARE SUCCESSFUL BECAUSE WE HAVE EXTENDED
5 A HAND TO PEOPLE'S IN OUR COMMUNITY OF ALL ETHNIC BACKGROUNDS.
6 AND I THINK THAT THROUGH THIS PHILOSOPHY OF COMMUNITY POLICING
7 -- THAT GETS BADGERED AROUND QUITE HEAVILY TODAY -- WE HAVE
8 BUILT SOME BRIDGES. AND CERTAINLY THE BRIDGES ARE NOT WIDE
9 ENOUGH, BUT THEY ARE THERE.

10 AND SO I WOULD JUST LIKE TO SAY THAT THERE'S NOT A
11 CHIEF IN THIS COUNTY WHO, WHEN CONFRONTED WITH AN ISSUE, DOES
12 NOT TAKE THE APPROPRIATE ACTION. WE'RE NOT PERFECT. WE HIRE
13 YOUR BROTHERS AND SISTERS, YOUR COUSINS. AND AS YOU GREW UP
14 WITH THEM, YOU REALIZED THEY WEREN'T PERFECT. AND SOMETIMES
15 HUMAN BEINGS MAKE MISTAKES. IT'S HOW WE RESPOND AS AN
16 ORGANIZATION TO THOSE MISTAKES, AND SO I THINK WE DO RESPOND
17 APPROPRIATELY.

18 MR. MC KINLEY: I FULLY SUPPORT WHAT STAN JUST SAID THERE.

19 ALSO, I WILL REMIND YOU WHAT I SAID AT THE BEGINNING
20 IS THAT THERE'S A MEDIATION BY THE ORANGE COUNTY HUMAN
21 RELATIONS COMMISSION THAT'S BEEN VERY, VERY SUCCESSFUL AS A
22 MEDIATION GROUP. THEY HAVE WORKED IN OUR CITY OF FULLERTON.
23 THEY HAVE WORKED IN THE CITY OF ORANGE. THEY HAVE WORKED IN
24 THE CITY OF WESTMINSTER. WE WORKED VERY CLOSELY WITH THEM.
25 THERE'S A -- I THINK THAT'S A BRIDGE BETWEEN LAW ENFORCEMENT

1 AND THOSE MEMBERS OF THE COMMUNITY THAT MAY NOT TRUST US THE
2 WAY WE LIKE TO BE TRUSTED, AND THAT'S OPEN.

3 AND I APPLAUD MY FELLOW COMMISSIONERS ON THE HUMAN
4 RELATIONS COMMISSION FOR BEING IN AN OUTREACH MODE. IT'S
5 OBVIOUSLY A VERY DIVERSE COMMISSION, AND I THINK VERY, VERY
6 SUCCESSFUL. SO THAT IS ALSO AVAILABLE.

7 MS. BUITRAGO: ONE MORE?

8 MR. DU CHESNE: I WOULD JUST LIKE TO ECHO WHAT WAS JUST
9 SAID AND ALSO FROM A POSITION IN AN ORGANIZATION THAT IS VERY
10 MUCH INVOLVED IN THE PROSECUTION ASPECTS AS IN VERY VIOLENT
11 CRIMES.

12 IN 1986, THE CALIFORNIA LEGISLATION, WHEN IT ENACTED
13 THE SAFE STREETS ACT, INDICATED THAT EVERY PERSON REGARDLESS OF
14 RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, SEX, AGE, SEXUAL
15 ORIENTATION, OR HANDICAP TO BE SECURED AND PROTECTED FROM FAIR
16 INTIMIDATION AND PHYSICAL HARM CAUSED BY THE ACTIVITIES OF
17 VIOLENT GROUPS AND INDIVIDUALS. THE LEGISLATURE FURTHER
18 OBSERVED THE STATE OF CALIFORNIA IS IN AN STATE OF CRISIS,
19 WHICH HAS BEEN CAUSED BY VIOLENT STREET GANGS WHOSE NUMBERS --
20 I'M SORRY -- WHOSE MEMBERS THREATEN, TERRORIZE, AND COMMIT A
21 MULTITUDE OF CRIMES AGAINST OTHER GANG MEMBERS AND AGAINST THE
22 PEACEFUL CITIZENS OF THEIR NEIGHBORHOODS.

23 IN 1993, WE HAD 74 GANG HOMICIDES. AND I DON'T HAVE
24 THE ACTUAL NUMBERS HERE, BUT I'M SURE THAT ALL OR ALMOST ALL OF
25 THOSE VICTIMS OF THOSE 74 HOMICIDES WERE MINORITIES; BE THEY

1 ASIANS OR BE THEY LATINOS AND HISPANICS. SO WE ARE -- WE MUST
2 NOT LOSE SIGHT OF THE FACT THAT THE VICTIMS OF THESE CRIMES ARE
3 THE VERY -- ARE OFTEN MINORITIES BECAUSE OF THE REASON STATED
4 BEFORE.

5 IT'S UNFORTUNATE, BUT WE CAN'T DENY THAT THAT'S
6 WHERE A LOT OF THE CRIME OCCURS. AND WE HAVE TO GO THERE TO
7 PROTECT THOSE MINORITIES CITIZENS. IT IS THE MINORITY CITIZEN
8 THAT ARE THE VICTIMS OF MOST OF THESE CRIMES. THAT IS
9 SOMETHING WE'D LOVE TO REVERSE AND PERHAPS CAN REVERSE. BUT AS
10 WE TALK TODAY, IT'S NOT UPSCALE SUBURBIA THAT'S SEEING THE 74
11 GANG HOMICIDES. UNFORTUNATELY, IT'S THE HIGHER ETHNIC AREAS.
12 AND THAT'S SOMETHING HOPEFULLY FIVE YEARS FROM NOW WE CAN
13 REPORT THAT IS NO LONGER THE CASE, BUT IT IS A FACT NOW.

14 MR. COOK: AGAIN, WE SEE AN ISSUE OF PERCEPTION IS REALITY
15 TO SOME PEOPLE. AND SO THEREFORE, A LOT OF OUR EFFORTS ARE
16 BENT ON CHANGING THAT PERCEPTION BY REACHING OUT THROUGH
17 SPECIFIC PROGRAMS TO TRY TO WORK MORE WITH THE COMMUNITY. FOR
18 EXAMPLE, ALL OF US HERE OR ALMOST ALL OF US HAVE A CITIZENS'
19 ACADEMY. AND WE BRING IN PEOPLE FROM DIFFERENT GROUPS IN THE
20 COMMUNITY, AND ABOUT HALF OF THEM ARE PEOPLE THAT JUST APPLIED
21 TO COME WITH NO ABRASIVE CONTACTS WITH THE POLICE. AND THE
22 OTHER HALF ARE THOSE COMMUNITY LEADERS WHO WANT TO FIND OUT
23 ABOUT SOMETHING. SO WE BRING THEM INTO THE DEPARTMENT.

24 AND IN MY DEPARTMENT IT'S A 10-WEEK TRAINING
25 PROGRAM. WE GO OVER POLICE PROCEDURES; WE WORK WITH THEM; AND

1 WE TRY TO BRING THEM IN CLOSER TO US SO THAT THEY CAN
2 UNDERSTAND WHAT OUR PROBLEMS ARE AND WHAT THEIR PROBLEMS ARE.
3 SO WE'RE REACHING OUT IN EVERY WAY WE CAN TO CHANGE THAT
4 PERCEPTION.

5 I WILL TELL YOU, THOUGH, THAT OUR STATISTICS ARE
6 BEGINNING TO SHOW INTERESTING THINGS. FOR EXAMPLE, ALMOST 90
7 TO 95 PERCENT OF THE VICTIMS OF GANG VIOLENCE ARE MINORITY
8 GROUPS, ETHNIC GROUPS. THAT'S WHAT WE'RE SHOWING HERE. AND
9 THOSE PEOPLE DESERVE THE PROTECTION THAT ANYBODY DOES, SO WE
10 SET PROGRAMS UP THAT IS DESIGNED TO PROTECT THE COMMUNITY.

11 AND I WOULD THINK IF WE DIDN'T TAKE THESE POSITIVE
12 PROGRAMS AND PUT THEM OUT THERE, THAT WE WOULD HAVE THE
13 COMMUNITY -- WE'D BE ANSWERING TO YOU, WHY DON'T YOU DO
14 SOMETHING ABOUT THE GANG PROBLEM? WHY DON'T YOU DO SOMETHING
15 ABOUT THE HOMICIDES? SO ALL I'M TELLING YOU IS THAT WE'RE
16 TRYING TO DO THAT. WE'RE TRYING TO REACH OUT TO THE COMMUNITY,
17 AND WE'RE TRYING VERY HARD TO CHANGE THAT PERCEPTION.

18 MS. BUITRAGO: THANK YOU. MS. REYNAGA?

19 MS. REYNAGA-OLSON: I HAVE A QUESTION I WANTED TO DIRECT
20 TO CHIEF JIM COOK. MAYBE IT WAS YOU, I'M NOT SURE; THAT WHEN
21 YOU TALKED ABOUT THE PHOTOGRAPHS AND HAVING -- THE CONSENSUAL
22 AGREEMENT HAVING A SIGNATURE. MAYBE IT WAS OVER HERE. I'M NOT
23 SURE WHICH ONE.

24 MR. COOK: I THINK WE BOTH HAVE THE SAME POLICY.

25 MS. REYNAGA-OLSON: OKAY. MY QUESTION WAS -- USUALLY,

1 MORE TIMES THAN NOT, WHEN A VIOLATION OCCURS ON THE STREET
2 WHETHER, IT IS A PARKING TICKET OR WHETHER IT'S A TRAFFIC
3 VIOLATION, I MEAN, YOU USUALLY GET SOME KIND OF RECEIPT. I WAS
4 JUST WONDERING WHEN A FIELD INTERVIEW CARD OR EVEN WHEN A
5 PHOTOGRAPH IS TAKEN, DOES THE SUSPECT THAT'S BEING STOPPED,
6 DOES HE RECEIVE ANYTHING SHOWING WHAT HE'S BEEN STOPPED FOR AND
7 WHO IT WAS WHO STOPPED HIM -- ANY OF THIS -- TO TAKE WITH THEM
8 AS A RESULT OF WHATEVER HE WAS SUSPECTED OF?

9 MR. COOK: IF HE REQUESTED FROM THE OFFICER, HE WOULD GIVE
10 HIM HIS NAME AND BADGE NUMBER; AND THAT'S IT. WE DON'T HAVE
11 ANY WRITTEN FORM THAT WE USE. I DON'T KNOW. WESTMINSTER DOES
12 NOT. DO YOU, STAN?

13 MR. KNEE: NO, HE WOULDN'T. BUT WHAT HE WOULD HAVE, IF HE
14 FOLLOWED OUR PROCESS, IS IF HE WOULD COMPLAIN, THEN THE
15 ORGANIZATION WOULD LOOK INTO IT. AND IF ON THAT F.I. CARD OR
16 THAT PHOTOGRAPH IS FOUND THAT THERE'S NOT PROBABLE REASON FOR
17 THAT ACTION BY THE OFFICER, THEN WE WOULD TAKE APPROPRIATE
18 ACTION. BUT, NO, WE DON'T GIVE THEM A COPY.

19 MS. REYNAGA-OLSON: IS IT GOING TO BE SOMETHING
20 IMPLEMENTED IN THE FUTURE, OR HAS IT EVEN THOUGHT OF WHERE THE
21 SUSPECT WHO MAY BE SOMEONE WHO WAS JUST STANDING AROUND AS PART
22 OF A GROUP OR WHATEVER AND WAS, MAYBE, BY ASSOCIATION STOPPED
23 AND PHOTOGRAPHED -- OR MAYBE NOT PHOTOGRAPHED, JUST A CARD
24 FILLED OUT -- THAT HE GETS SOME KIND OF A COPY OF IT, IF IT'S
25 DONE IN DUPLICATE, THEY OUGHT TO GIVE THEM A COPY? ARE YOU

1 ANTICIPATING COMING UP WITH SOME KIND OF A POLICY FOR THAT TO
2 MAKE IT EASIER FOR THEM IF THEY DECIDE TO APPEAL IT THEY HAVE
3 SOMETHING TO SHOW FOR THE TIME, THE PLACE, AND WHO THEY TALKED
4 TO? BECAUSE MORE TIMES THAN NOT, PEOPLE DON'T CARRY A PIECE OF
5 PAPER AROUND WITH THEM.

6 MR. KNEE: WELL, IF THE PURPOSE IS TO BE ABLE TO PRESENT
7 SOMETHING TO THE APPEAL PROCESS -- BECAUSE WE COMPUTERIZED OUR
8 F.I.'S AS WELL AS THE NAMES OF THE PHOTOGRAPHS -- HE WOULD
9 SIMPLY HAVE TO GIVE HIS NAME, AND THEN WE WOULD BE ABLE TO PULL
10 UP THAT DOCUMENTATION. HE KNOWS WHAT GOES ON THE F.I. CARD
11 BECAUSE GENERALLY -- WELL, VIRTUALLY ALL OF THE INFORMATION
12 HE'S ASKED, THE PERSONAL INFORMATION, THE ONLY THING WE WOULD
13 NOT SEE IS THE REASON FOR THE STOP. BUT AS FAR AS BEING ABLE
14 TO COME TO THE CHIEF'S OFFICE AND PRESENT A CASE, WE WOULD BE
15 ABLE, JUST BY TAKING HIS NAME, TO PULL THAT INFORMATION UP AND
16 PROVIDE HIM WITH A COPY AS WE DISCUSSED IT AND SO FORTH.

17 MS. REYNAGA-OLSON: THE SUSPECT IS NOT REQUIRED TO SIGN
18 ANYTHING AFTER HE'S BEEN STOPPED AND IS TOLD OR SAID TO HIM
19 EXPLAINED TO HIM WHY HE'S BEING STOPPED? IS THERE ANY PLACE
20 WHERE IT'S BEEN RECORDED WHY HE'S BEING STOPPED, AND IT'S
21 WRITTEN DOWN, AND IT'S DOCUMENTED ON THIS FIELD CARD?

22 MR. KNEE: YES, IT IS.

23 MS. REYNAGA-OLSON: WHAT I'M SAYING IS: HE DOESN'T GET A
24 COPY OF WHAT HE SIGNS FOR?

25 MR. MC KINLEY: HE DOESN'T SIGN A CARD.

1 MS. REYNAGA-OLSON: THERE'S NO POLICY FOR THAT?

2 MR. KNEE: HE DOESN'T SIGN THE F.I. CARD. IF IT'S A
3 CONSENSUAL PHOTOGRAPH, HE WOULD SIGN THE BACK OF THE
4 PHOTOGRAPH. WE ALL TRAIN OUR OFFICERS TO EXPLAIN THE REASON
5 FOR THE DETENTION; EXPLAIN THE REASON FOR THE STOP. WE HOPE
6 THAT THEY DO THAT IN MOST CASES. AND IN MY YEARS OF MANAGEMENT
7 AND LAW ENFORCEMENT, SELDOM HAS THAT BEEN THE REAL ISSUE. THE
8 REAL ISSUE USUALLY WAS "I DIDN'T DO THAT," AND THE OFFICER
9 SAID, HE DID DO THAT. IT'S NOT REALLY WHAT'S ACTUALLY ON THE
10 F.I. CARD OR WHAT HAVE YOU. IT'S NEVER BEEN THAT. I REALLY
11 DON'T SEE WHY WE WOULD INSTITUTE SOMETHING LIKE THAT.

12 MS. BUITRAGO: MS. FUA?

13 MS. FUA: IN ANSWER TO MY LAST QUESTION, WHAT I HEARD THE
14 CHIEF SAY -- ALL THE CHIEFS SAY IS THAT, YOU KNOW, WE HAVE
15 PROCEDURES IN PLACE; WE HAVE A COMPLAINT PROCEDURE; WE ARE
16 DOING THE BEST WE CAN, YOU KNOW; AND THAT'S WHAT I HEARD. AND
17 WHAT I HEARD FROM THE COMMUNITY IS IT'S NOT WORKING.

18 AND SO WHAT I'M ASKING THE CHIEFS NOW IS: ARE YOU
19 GUYS OPEN TO OTHER METHODS BECAUSE IT DOESN'T SEEM TO BE
20 WORKING? FOR INSTANCE, ONE OF THE COMMUNITY MEMBERS FLOATED
21 THE IDEA OF A CITIZENS' REVIEW PANEL. WHAT IS YOUR FEELING ON
22 THAT?

23 MR. MC KINLEY: WELL, I REMIND EVERYONE THAT WE ALREADY
24 HAVE A CITIZENS' REVIEW PANEL. WE ALL WORK FOR THE CITY
25 MANAGER, AND THERE'S A CITY COUNCIL THAT WE ALL GO TO, AND

1 THEY'RE ALL ELECTED OFFICIALS. AND SO THAT DEFINITELY WOULD
2 SEEM TO BE A VERY DEMOCRATIC AND APPROPRIATE SYSTEM OF REVIEW.

3 MS. BUITRAGO: DO YOU HAVE ANY QUESTIONS?

4 MR. ERLER: NO MORE.

5 MS. BUITRAGO: I HAVE A COUPLE MORE QUESTIONS, AND IT
6 LOOKS LIKE WE'RE ACTUALLY KIND OF CATCHING UP AND MAYBE WE CAN
7 FINISH THIS PANEL A LITTLE EARLY AND TAKE A BREAK. AND MY
8 QUESTION IS TO MR. DU CHESNE, AGAIN.

9 TO CONFIRM, CGNAC IS, IN FACT, GOING TO HAVE
10 OVERSIGHT OVER THE NEW CAL GANG -- STATEWIDE CAL GANG?

11 MR. DU CHESNE: YES, AS IT DOES TODAY.

12 MS. BUITRAGO: AND YOU MENTIONED EARLIER THAT THERE ARE
13 GOING TO BE SOME MODIFICATIONS TO THE APPROACH THAT THE GREAT
14 SYSTEM HAS; IS THAT CORRECT?

15 MR. DU CHESNE: GREAT WILL BE REPLACED BY CAL GANG. IT'S
16 THE NEXT LEVEL OF EVOLUTION. AND THE SYSTEM AS WE KNOW IT
17 TODAY FROM THE LACN, THE LAW ENFORCEMENT COMMUNICATION NETWORK
18 THAT BASICALLY SOLD THE SOFTWARE AND CONCEIVED THE NETWORK,
19 THAT PRIVATE CORPORATION -- IT WILL NO LONGER BE SUPPLYING THE
20 SERVICE FOR THIS SYSTEM.

21 THE SERVICE WILL BE PROVIDED BY A COMPANY CALLED
22 ORION, WHICH HAS BEEN SOLD TO THE ATTORNEY GENERAL. SO THE
23 ATTORNEY GENERAL WILL BE THE PARENT AGENCY, BUT THE POLICY AND
24 OPERATIONAL PROCEDURE WILL BE JOINTLY SHARED BETWEEN CGNAC --
25 I'M SORRY -- THE MEMBERS OF CGNAC WILL SHARE THAT. AND THE

1 MEMBERS ARE THE MEMBERS OF OCJP, MEMBERS OF THE ATTORNEY
2 GENERAL'S OFFICE, AND THE SEVEN PARTICIPATING NODES.

3 MS. BUITRAGO: WILL THERE BE CONSIDERATION TO ALLOW PUBLIC
4 COMMENT AS YOU'VE DEVELOPED THE POLICIES? I ASSUME THAT YOU'LL
5 BE REVIEWING THE POLICIES AND THAT YOU'LL, MAYBE, ADD OR
6 SUBTRACT SOME OF THOSE POLICIES AND PROCEDURES. BUT MY
7 QUESTION IS: AS YOU DO THAT, WILL THERE BE AN OPPORTUNITY FOR
8 PUBLIC COMMENT?

9 MR. DU CHESNE: SURE. THIS IS A GOVERNMENT PROGRAM AND
10 IT'S IN THE PUBLIC EYE, AND THERE'S ALWAYS OPPORTUNITIES FOR
11 THE PUBLIC OR ANY INTERESTED GROUPS TO PROVIDE INPUT. WE
12 WELCOME THAT.

13 MS. BUITRAGO: IS THERE GOING TO BE A NOTICE PROCESS FOR
14 COMMUNITY PEOPLE TO KNOW THAT THEY CAN MAKE THEIR COMMENTS?

15 MR. DU CHESNE: I DOUBT THAT THERE WILL BE, AT LEAST NOT
16 IN THE SENSE I THINK YOU'RE THINKING OF.

17 BUT THE PROGRAM IS -- THE NEW PROGRAM IS IN ITS
18 FINAL FORMATIVE STAGES. SO IF THERE'S ANYBODY THAT HAS
19 CONCERNS ABOUT THE CRITERIA OR CONTROLS IN THE NEXT FEW MONTHS,
20 THERE WILL BE A GOOD OPPORTUNITY TO CONTACT ANY OF THE
21 PARTICIPANTS AND GET IN TOUCH WITH THE APPROPRIATE PERSON IN
22 THE ATTORNEY GENERAL'S OFFICE, WHICH IS THE PARENT
23 ORGANIZATION, AND EXPRESS THOSE CONCERNS AND ASK THAT THOSE
24 CONCERNS BE RELATED TO THE CGNAC COMMITTEE BECAUSE THOSE KINDS
25 OF ISSUES ARE CONSTANTLY BEING DISCUSSED AT THIS POINT: WHAT

1 ARE OUR CONTROLS? IS OUR CRITERIA APPROPRIATE? IS OUR
2 CRITERIA WORKING? DO WE HAVE PROPER PURGING CONTROLS? AND SO
3 ON AND SO FORTH. AND IT'S A VERY OPEN SUBJECT RIGHT NOW, AND
4 WE WOULD WELCOME ANY COMMENTS.

5 MS. BUITRAGO: THE REASON THAT I'M ASKING TODAY IS BECAUSE
6 I WORK WITH A LOT OF FEDERAL AGENCIES; AND THEY DO, IN FACT --
7 BEFORE THEY MAKE PROCEDURAL CHANGES, THEY GIVE NOTICES. AND IT
8 SOUNDS LIKE THAT'S NOT GOING TO HAPPEN HERE. BUT I GUESS YOU
9 KNOW PEOPLE WHO ARE PRESENT AT THE HEARING CAN DO THAT. BUT
10 I'M JUST WONDERING IF YOU COULD CONSIDER HAVING FORMAL NOTICE
11 GIVEN -- AS MANY FEDERAL AGENCIES GIVE -- BECAUSE THIS IS A
12 VERY IMPORTANT ISSUE AND A BIG ISSUE THAT I THINK COMMUNITY
13 ORGANIZATIONS AND PEOPLE HAVE A RIGHT TO PROVIDE COMMENTS ON.

14 MR. DU CHESNE: I, PERSONALLY, WOULD WELCOME THAT, BUT I'M
15 NOT IN CONTROL OF THE OVERALL PROCESS THAT GOES ON. BUT I'M IN
16 A POSITION WHERE I CAN RECOMMEND IT, IF THAT'S WHAT YOU'RE
17 ASKING. I'D BE HAPPY TO DO THAT.

18 MS. BUITRAGO: THAT'S EXACTLY WHAT I'M ASKING. THANK
19 YOU.

20 AND ONE LAST QUESTION. THERE'S BEEN SOMETHING
21 THAT'S BOTHERED ME A LOT THROUGHOUT THIS HEARING, AND THAT'S
22 BEEN THE QUESTION OF SAFEGUARDS. EARLIER IN THE HEARING, I
23 ASKED REGARDING THE SPECIFIC SAFEGUARDS THAT THE GREAT PROGRAM
24 HAS FOR MAKING SURE THAT INNOCENT PEOPLE ARE NOT ADDED TO THE
25 SYSTEM. AND TO THIS POINT, I REALLY HAVEN'T HEARD ANY KIND OF

1 LISTING OF WHAT THOSE SAFEGUARDS REALLY ARE.

2 MR. DU CHESNE: WELL, THERE'S -- THE SAFEGUARD IS,
3 BASICALLY, THE SUBSCRIPTION TO THE CRITERIA. AND I'VE GIVEN
4 YOU ONE OF THE BROCHURES. IF YOU WANT TO OPEN THE BROCHURE TO
5 THE INSIDE PAGE, AND WHERE IT SAYS "THE GREAT SYSTEM ALSO KNOWN
6 AS CAL GANG." THE CRITERIA IS IN THAT SECTION. AND I GUESS
7 THE SAFEGUARD IS IF YOU DON'T FIT THIS CRITERIA, YOU SHOULD NOT
8 BE IN THE SYSTEM. AND IF YOU FIT THIS CRITERIA, THEN YOU'RE
9 ELIGIBLE FOR THE SYSTEM. SO THE REGULATIONS, HOPEFULLY, WILL
10 PREVENT INAPPROPRIATE SUBMISSION OF ANYBODY'S NAME WHO DOESN'T
11 BELONG IN THERE.

12 MS. FUA: WHO MONITORS THAT? WHO ENFORCES THAT?

13 MR. DU CHESNE: WELL, EACH AGENCY IS RESPONSIBLE FOR
14 SUBSCRIBING TO THESE PROCEDURES UNDER PENALTY OF SANCTIONS
15 INCLUDING THE TOTAL EXCLUSION FROM THE SYSTEM. ALSO, THE
16 CENTRAL NODE HAS AN OBLIGATION TO POLICE THOSE AGENCIES, AND
17 THEN THE ATTORNEY GENERAL WILL -- NOW WITH A NEW SYSTEM -- HAVE
18 THE RESPONSIBILITY WITH CGNAC OF AUDITING THE PARTICIPANTS TO
19 MAKE SURE THAT DOWN THE CHAIN, EVERYBODY IS SUBSCRIBING TO
20 THESE PROCEDURES. BUT IT'S LIKE ANYTHING ELSE. THERE ARE
21 RULES AND REGULATIONS. AND IF YOU FOLLOW THOSE REGULATIONS,
22 YOU SHOULDN'T HAVE ANY ABUSE.

23 MS. BUITRAGO: I'M GLAD TO HEAR THAT THERE'S GOING TO BE
24 AUDITING BECAUSE THERE ARE LOTS OF RULES AND REGULATIONS JUST
25 LIKE THERE ARE LOTS OF LAWS. AND THERE ARE A LOT OF CRIMINALS

1 WHO DON'T FOLLOW THOSE LAWS. AND MY CONCERN -- AND I'M GLAD TO
2 HEAR THAT THERE'S GOING TO BE SPECIFIC AUDITS.

3 IS THAT GOING TO BE ON A PERIODIC BASIS?

4 MR. DU CHESNE: YES.

5 MS. BUITRAGO: HOW OFTEN?

6 MR. DU CHESNE: I DON'T KNOW AT THIS POINT IN TIME. I
7 KNOW THAT THEY'RE GOING TO BE ANNUALLY BECAUSE WHAT THEY'RE
8 AUDITING FOR IS PROPER SUBMISSION CRITERIA AND ALSO PURGING.
9 PURGING IS A VERY IMPORTANT AREA THAT'S GOING TO BE LOOKED AT.

10 MS. BUITRAGO: ANY OTHER QUESTIONS? WE'RE GOING TO TAKE A
11 FIVE MINUTE BREAK AND THEN GO INTO THE PUBLIC SESSION.

12 (A RECESS WAS TAKEN.)

13 MS. BUITRAGO: IF PEOPLE WANT TO ACTUALLY PROVIDE US WITH
14 COMMENTS, PLEASE COME INTO THE ROOM. WE'RE NOW INTO THE PUBLIC
15 OPEN SESSION OF THE FACT-FINDING HEARING. AND WHAT I'M GOING
16 TO BE DOING IS CALLING UP SIX PEOPLE AT A TIME. AND,
17 UNFORTUNATELY, EVEN THOUGH WE WOULD LIKE TO GIVE EACH ONE OF
18 YOU MORE TIME, I'M GOING TO HAVE TO PLACE A TIME LIMIT OF THREE
19 MINUTES FOR EACH PERSON BECAUSE WE HAVE 18 PEOPLE WHO WANT TO
20 SPEAK. AND WE WANT TO HEAR ALL OF YOUR STORIES ABOUT HOW EACH
21 AND EVER ONE OF YOU HAS BEEN AFFECTED. AND WHAT I'M GOING TO
22 ASK YOU TO DO IS TO COME UP; SIX PEOPLE SIT AT THE TABLE.

23 AND AS YOU START TO GIVE YOUR TESTIMONY, PLEASE
24 STATE YOUR NAME AND ALSO LET US KNOW IF YOU BELONG TO AN
25 ORGANIZATION. WE NEED THAT INFORMATION FOR THE RECORD.

1 SO WE'RE GOING TO GET STARTED. THE FIRST SIX PEOPLE
2 TO COME UP TO THE TABLE WILL BE THOMAS LOGAN, BRUCE MC DONALD,
3 SEFERINO GARCIA -- IF YOU CAN JUST HAVE A SEAT AT THE TABLE,
4 PLEASE -- JUDITH SERAFINI, RICHARD CASTILLO, FRED GARCIA. AND
5 I'M GOING TO CALL OUT THOMAS LOGAN ONCE AGAIN.

6 MR. LOGAN: HERE.

7 MS. BUITRAGO: PLEASE HAVE A SEAT AT THE TABLE. AND BRUCE
8 MC DONALD. OKAY. SINCE MR. MC DONALD IS NOT HERE, I'M GOING
9 TO CALL UP RUDY ESCALANTE.

10 AND WE'RE GOING TO START WITH MR. LOGAN. HE WILL
11 GET TWO MORE MINUTES AND WILL ACTUALLY GET A TOTAL OF FIVE
12 MINUTES. PUBLIC COMMENT WILL BE HELD DOWN TO THREE MINUTES FOR
13 ALL THE OTHER SPEAKERS.

14 MR. LOGAN: SO I GET FIVE?

15 MS. BUITRAGO: YOU GET FIVE.

16 MR. LOGAN: OH, GREAT. OKAY. I JUST HAVE A WRITTEN
17 THING, AND I DON'T THINK IT WILL TAKE THAT LONG.

18 CAN YOU HEAR ME ALL RIGHT?

19 MS. BUITRAGO: YES.

20 MR. LOGAN: OKAY. GOOD AFTERNOON, LADIES AND GENTLEMEN OF
21 THE U.S. CIVIL RIGHTS COMMISSION. MY NAME IS TOM LOGAN. I'M
22 HERE TODAY SPEAKING ON BEHALF OF THE CITIZENS BUREAU OF
23 INVESTIGATION OF THE CITY OF HUNTINGTON BEACH AREA. I WOULD
24 LIKE TO SPEAK TO YOU TODAY ON GANG ACTIVITY GOING ON IN ORANGE
25 COUNTY THAT IS NOT OF THE TRADITIONAL GANG-BANGING, GRAFFITI

1 WRITING, DRIVEBY-SHOOTING, DRUG-DEALING PEOPLE MENACING TODAY'S
2 NEIGHBORHOOD. THE GANGS I'M SPEAKING OF TODAY ARE THE POLICE.

3 I WOULD LIKE TO QUALIFY THAT SOMEWHAT BY STATING I
4 DON'T CONSIDER ALL POLICE DEPARTMENT OR THEIR OFFICERS TO BE
5 BAD GUYS. IN FACT, I THINK THAT THE VAST MAJORITY OF THESE
6 PEOPLE ARE GOOD PEOPLE JUST LIKE, I THINK, YOU AND I ARE.

7 HAVING SAID THAT, I WOULD LIKE TO DIRECT YOUR
8 ATTENTION TO CERTAIN ACTIVITY BEING CONDUCTED BY THE CITY OF
9 HUNTINGTON BEACH POLICE DEPARTMENT AND THEIR POLICE OFFICERS
10 ASSOCIATION OR UNION.

11 FOR THE PAST SEVERAL YEARS, THIS PARTICULAR GROUP OF
12 PEOPLE -- AND, AGAIN, NOT ALL MEMBERS OF THIS GROUP, BUT A
13 SIGNIFICANT PERCENTAGE OF THESE PEOPLE HAVE BEEN ENGAGED IN THE
14 TYPE OF CITIZEN ABUSIVE BEHAVIOR PATTERN THAT SEEMS TO BE
15 SENDING A NEGATIVE MESSAGE TO THE COMMUNITY; AND THAT IS THEIR
16 TYPE OF LAW-KEEPING DUTIES IS BOTH RUTHLESS AND OBJECTIONABLE
17 TO NOT JUST THE LAWBREAKERS BUT TO THE GENERAL PUBLIC AS WELL.

18 MOST RECENTLY IN 1996 -- AND AGAIN THIS IS THE NEXT
19 PERIOD -- THE HUNTINGTON BEACH -- 1997 PERIOD, THAT IS -- THE
20 HUNTINGTON BEACH POLICE DEPARTMENT HAS ADOPTED WHAT THEY CALL
21 THE ZERO TOLERANCE POLICY FOR THE DOWNTOWN HUNTINGTON BEACH 4TH
22 OF JULY CELEBRATIONS. THE PRESENT CITY ORDINANCE AND CITY CODE
23 FOR DISORDERLY PEOPLE AND ALCOHOLIC CONSUMPTION IN PUBLIC IS SO
24 PERVASIVE AS TO GIVE QUESTION TO ITS LEGALITY UNDER U.S.
25 CONSTITUTION PROVISIONS. AND I HAVE A COPY OF THE ORDINANCE

1 HERE FOR YOUR REVIEW. I DON'T KNOW. HOW DO I GET THAT TO
2 YOU? I'LL JUST LEAVE THIS HERE. I HAVE SOME OTHER MATERIAL,
3 SO I'LL GIVE IT TO YOU AS A PACKET; OKAY?

4 I WOULD LIKE TO PUT SOME OF THESE POLICIES IN
5 CONTEXT BY OFFERING THE FOLLOWING ANALOGY: DURING THE 1968
6 DEMOCRATIC CONVENTION IN CHICAGO, MAYOR DAILY'S POLICE
7 DEPARTMENT ARRESTED 300 PEOPLE IN A FIVE-DAY PERIOD IN WHAT WAS
8 RECOGNIZED AS SOME OF THE WORST RIOTS IN THE HISTORY OF OUR
9 COUNTRY. YET, THE HUNTINGTON BEACH POLICE DEPARTMENT, IN
10 EXERCISING THEIR ZERO TOLERANCE POLICY, MANAGED TO ARREST 549
11 PEOPLE IN A 12-HOUR PERIOD DURING JULY 4TH, 1996.

12 MANY OF THESE PEOPLE WERE ARRESTED FOR HAVING A BEER
13 ON THEIR FRONT PORCH OR DRINKING -- DRIVING A BIKE WITHOUT A
14 LICENSE. THESE PEOPLE NOW HAVE POLICE RECORDS. THEY WERE
15 ARRESTED, PHOTOGRAPHED, FINGERPRINTED, AND SPENT 12 TO 16 HOURS
16 IN JAIL FOR NONCRIMINAL OFFENSES WHICH ARE QUESTIONABLE IN
17 THEIR CONTEXT.

18 I HAVE WITH ME TODAY COPIES OF SEVERAL NEWSPAPER
19 STORIES -- AND AGAIN, THESE ARE THE PACKAGES -- STORIES WHICH
20 DETAIL SOME OF THE QUESTIONABLE TACTICS BEING CARRIED OUT BY
21 THE HUNTINGTON BEACH POLICE DEPARTMENT.

22 ON MAY 8TH, I AND SEVERAL OTHER MEMBERS OF THE
23 HUNTINGTON BEACH COMMUNITY MET WITH MR. TOM PILA AND MANY OF
24 THE SAME TOPICS AND CONCERNS REGARDING THE CONDUCT OF THE
25 HUNTINGTON BEACH POLICE DEPARTMENT WERE EXPLAINED TO HIM. MUCH

1 OF THE SAME EVIDENCE I AM PRESENTING TO YOU TODAY WAS GIVEN TO
2 HIM AT THAT TIME.

3 TO CONCLUDE, I WOULD LIKE TO READ TO YOU CERTAIN
4 PROVISIONS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA
5 THAT I BELIEVE APPLY TO THE SITUATION OCCURRING IN HUNTINGTON
6 BEACH. UNDER CONSTITUTIONAL AMENDMENT NO. 1, IN PART, IT
7 STATES, "THE RIGHT OF PEOPLE TO PEACEABLY ASSEMBLE" -- I'M SURE
8 YOU ARE QUITE AWARE OF THESE AMENDMENTS. UNDER AMENDMENT 4, IN
9 PART, STATES, "THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR
10 PERSONS, THEIR HOUSES, AGAINST UNREASONABLE SEARCHES AND
11 SEIZURES," YOU KNOW. I'M TALKING ABOUT THE PERSON'S BODY BEING
12 HAULED DOWNTOWN FOR DRINKING A BEER IN THEIR FRONT PORCH. THIS
13 IS RIDICULOUS, OUTRAGEOUS.

14 I WOULD HOPE AFTER HEARING WHAT I HAVE SAID TODAY
15 AND TAKING INTO CONSIDERATION SOME OF THE MATERIAL I'VE
16 PRESENTED YOU WITH, THAT YOU WILL TAKE STEPS TO INVESTIGATE THE
17 ACTIONS OF THE HUNTINGTON BEACH POLICE DEPARTMENT.

18 THIS CONCLUDES MY REMARKS. THANK YOU FOR ALLOWING
19 ME TO SPEAK AT THIS TIME.

20 MS. BUITRAGO: THANK YOU.

21 MR. LOGAN: IF YOU HAVE ANY QUESTIONS, I'D BE GLAD TO HEAR
22 THEM.

23 MS. BUITRAGO: BECAUSE OF THE SHORTNESS OF TIME -- AND WE
24 HAVE SO MANY PEOPLE HERE TO SPEAK, WE'RE NOT GOING TO BE ASKING
25 QUESTIONS, BUT THANK YOU VERY MUCH.

1 MR. LOGAN: OKAY.

2 MS. BUITRAGO: MR. SEFERINO GARCIA?

3 MR. GARCIA: OKAY. I GOT --

4 MS. BUITRAGO: IF YOU CAN USE THE MIKE.

5 MR. GARCIA: YES. ALL RIGHT. HERE. THIS IS THE
6 STATEMENT THAT I'M GOING TO ELABORATE ABOUT.

7 MS. BUITRAGO: OKAY.

8 MR. GARCIA: MY NAME IS SEFERINO GARCIA. I'M A DIRECTOR
9 OF SOLEDAD COMMUNITY DEVELOPMENT CORPORATION. SOLEDAD MEANS TO
10 UPLIFT AND TO UPGRADE THE COMMUNITY, IN SPANISH. I'M HERE TO
11 SPEAK ABOUT THE UNSOLVED MURDERS AND ON THE CITY OF ANAHEIM.

12 SEVERAL YEARS AGO IN 1994, THERE WAS A YOUNG BROTHER
13 NAMED JOSE AGUIRRE WHO GOT ASSASSINATED IN A DRIVEBY. THIS
14 YOUNG BROTHER HAD STOPPED HIS ACTIVITY IN GANGS, AND HE STARTED
15 WORKING IN THE COMMUNITY. WE GOT HIM A SCHOLARSHIP. WE WORKED
16 WITH HIM. HE WAS AT WORK, AND HE STOPPED AT BURGER KING TO GET
17 SOMETHING TO EAT. AND SOMEBODY DROVE BY AND TOOK HIS LIFE. WE
18 HAVEN'T HEARD NOTHING FROM THE POLICE DEPARTMENT. HIS FATHER,
19 LUIS AGUIRRE, HAD BEEN CALLING THE POLICE DEPARTMENT AT LEAST
20 TWICE A MONTH ABOUT THIS KILLING. AND IT HAPPENED ALMOST IN
21 BROAD DAYLIGHT.

22 WHEN THE KILLING TOOK PLACE, THE DRIVER ALSO GOT
23 SHOT IN THE BACK, BUT HE MANAGED TO DRIVE TO JOSE'S HOUSE. AND
24 WHILE THEY WERE THERE, THE POLICE DEPARTMENT CAME THROUGHOUT
25 THE HOUSE AND PETER, JOSE AGUIRRE'S YOUNGER BROTHER, CAME OUT

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1 OF THE HOUSE AND WENT INSIDE THE CAR AND SAW HE WAS SHOT AND
2 TRIED TO HELP HIS BROTHER OUT. AND THE POLICE HAD SHOTGUNS TO
3 HIS HEAD AND TO HIS FATHER'S HEAD. AND PEEWEE DIED IN PETER'S
4 ARMS.

5 WE WOULD LIKE TO HAVE THE ANAHEIM P.D. GIVE THE
6 FAMILY SOME KIND OF UPBEAT ON WHAT'S GOING ON IN THAT CASE.
7 JOSE AGUIRRE, 18 YEARS OLD, HE TOOK A SECOND IN THE GOLDEN
8 WORLD NATIONALS THAT YEAR. HE HAD A SCHOLARSHIP AT CYPRESS
9 COLLEGE. HE WAS ON THE WAY TO COLLEGE, AND HE WAS A YOUNG MAN
10 IN GOOD STANDING IN THE COMMUNITY. THAT'S ONE.

11 THE NEXT ONE THAT I WANT TO TALK ABOUT IS TOMAS
12 RODRIGUEZ. A YOUNG BROTHER THAT GOT ASSASSINATED IN A DRIVEBY
13 IN 1994 -- MARCH OF 1994. THE POLICE DEPARTMENT FROM SANTA
14 ANA, THEY WERE ON THE SCENE WITHIN FIVE MINUTES. THEY ARRESTED
15 SOME GUYS WITHIN MAYBE TWO OR THREE DAYS. THE GUYS DID FOUR OR
16 FIVE MONTHS IN JAIL AND GOT RELEASED. IN THE NEWSPAPER, IT
17 SAID "GANG MEMBERS ACQUITTED IN SHOOTING." TO US IN THE
18 COMMUNITY, THAT WAS A SLAP IN THE FACE. THAT WAS LIKE A
19 LICENSE TO DO DRIVEBYS.

20 WE HAD GONE THROUGH THE CITY COUNCIL. WE FORMED THE
21 TOMAS COMMITTEE WITH THE FAMILY. WE MET WITH SEVERAL MEMBERS
22 OF THE CITY COUNCIL AND SPOKE TO PAUL WALTERS ABOUT FOLLOWING
23 THROUGH ON THE INVESTIGATION. AND THE FAMILY ARE HERE TODAY.
24 NOTHING HAS COME OUT FROM THAT.

25 MS. BUITRAGO: YOUR TIME IS UP, SIR. SO IF YOU CAN

1 SUMMARIZE.

2 MR. GARCIA: OKAY.

3 MS. BUITRAGO: AGAIN, I HAVE TO BE VERY STRICT ABOUT THE
4 TIMING.

5 MR. GARCIA: ALL RIGHT.

6 MS. BUITRAGO: I'LL GIVE YOU ENOUGH TIME TO SUM UP. I'M
7 SORRY.

8 MR. GARCIA: OKAY. WE WOULD LIKE TO SET UP A SPECIAL TASK
9 FORCE IN ANAHEIM TO INVESTIGATE THE KILLING OF JOSE AGUIRRE AND
10 ALSO IN SANTA ANA THE KILLING OF TOMAS RODRIGUEZ AND ONE
11 KILLING ALSO IN ANAHEIM AGAIN, ALFRED BECERRA, WHO WAS KILLED
12 IN 1993.

13 MS. BUITRAGO: OKAY. THANK YOU VERY MUCH, MR. GARCIA.

14 MR. GARCIA: THANK YOU.

15 MS. BUITRAGO: JUDITH SERAFINI?

16 MS. SERAFINI: I'M JUDITH SERAFINI. I'M THE EXECUTIVE FOR
17 SOLEVAR. AND ONE OF THE RIPPLE EFFECTS OF THE UNSOLVED MURDERS
18 IS THAT YOU, THEN, HAVE THE SIBLING, IN THIS CASE -- IN THOMAS
19 RODRIGUEZ'S CASE, AS WELL AS IN JOSE PEEWEE AGUIRRE. THEY'RE
20 CLOSE IN AGE, AND THEY SUFFERED TRAUMA. THE FAMILY SUFFERS THE
21 TRAUMA OF BEING REVICTIMIZED CONTINUOUSLY BECAUSE THERE'S NEVER
22 ANY RESOLUTION; AND THESE CASES ARE LEFT OPEN; WITNESSES ARE
23 UNINVESTIGATED. AND THEN YOU HAVE THE CHANCE OF THE SIBLINGS
24 GOING INTO THE SAME TYPE OF TRAUMA DEALING WITH THAT DEATH,
25 WHETHER WITH THE USE OF ALCOHOL, DRUGS, DROPPING OUT OF

1 SCHOOLING. AND UNFORTUNATELY, IN THE CASE OF THOMAS RODRIGUEZ,
2 HIS BROTHER, ONE YEAR LATER, COMMITTED SUICIDE OVER THE
3 TRAUMA. SO THE FAMILY IS TRIPLE IN THIS, AND IT'S REALLY
4 HEAVILY, HEAVILY IMPACTED.

5 AND ONE OF THE ISSUES I JUST WANT TO BRIEFLY TOUCH
6 ON IS THAT IT SEEMS WITH THE TARGET -- THE ATTITUDE IS THAT
7 GANG MEMBERS, SHOT-CALLERS, ANYONE AFFILIATED CANNOT DECIDE TO
8 CHANGE THEIR LIVES; THEREFORE, THEY ARE LABELED GANG MEMBERS
9 FOREVER. IF THEY BECOME ACTIVE IN THE COMMUNITY -- FROM
10 WESTSIDE, THE GANG MEMBERS JOINED TOGETHER WITH THE VETERANOS
11 AND WITH THE ELDERS AND SAID WE WILL STOP THIS. WE WANT TO
12 IMPROVE OUR COMMUNITY. THEY GOT INVOLVED IN BARBECUES,
13 COMMUNITY DEVELOPMENT BLOCK GRANT. THEY WENT TO COMMUNITY
14 MEETINGS. AND INSTEAD OF BEING WELCOMED AS WANTING TO CHANGE
15 THEIR NEIGHBORHOOD, PONDEROSA PARK WAS SURROUNDED BY POLICE.
16 AND, IN FACT, THE POLICE PRESENCE AT COMMUNITY MEETINGS, AT
17 CITY HALL, DETERRED AND IN SOME CASES CAUSED THE MISINFORMATION
18 TO GO BETWEEN RIVAL GANGS.

19 IT IS VERY DIFFICULT FOR A GANG MEMBER TO GO FROM
20 ONE NEIGHBORHOOD TO THE OTHER AND ESPECIALLY TO COME FORWARD TO
21 TALK ABOUT THEIR NEEDS. THEY KNOW WHAT THE CHANGE IS. SO WITH
22 THE TARGETING, WITH THE PHOTOGRAPHING, WITH THE LABELING, IT
23 CARRIES A BIGGER, BIGGER STIGMA, AND THAT IS THE ATTITUDE THAT
24 THE GANG MEMBERS AT ANY LEVEL, AT ANY AGE, CANNOT CHANGE THEIR
25 LIFESTYLE.

1 IN SAN FRANCISCO, THEY USE SHOT-CALLERS AND GANG
2 MEMBERS AND FORMER GANG MEMBERS AS ROLE MODELS TO COME BACK AND
3 TALK TO YOUNGER STUDENTS. YOU NEED TO TAKE A LOOK AT THEIR
4 COMPREHENSIVE ATTITUDE PROGRAMS OUT OF THEIR GROUND OFFICE TO
5 LOOK AT COMING TOGETHER WITH AN ATTITUDE THAT WE WILL -- YOU
6 CAN TURN YOUR LIFE AROUND AND YOU CAN MAKE A DIFFERENCE. THANK
7 YOU.

8 MS. BUITRAGO: THANK YOU. RICHARD CASTILLO?

9 MR. CASTILLO: YES. MY NAME IS RICHARD CASTILLO FROM THE
10 UNITED NEIGHBORHOODS. AND THIS STORY GOES BACK 16 YEARS, AND I
11 HOPE I CAN EXPLAIN IT.

12 MY SON COMMITTED -- YOU KNOW, BROKE THE LAW. HE
13 SHOPLIFTED. AND HIM AND HIS FRIENDS JUMPED IN THE CAR, AND
14 THEY TOOK DOWN THE ROAD. AND THE COP FINALLY CAUGHT UP TO HIM,
15 AND MY SON -- YOU KNOW, ALL THE OTHER GUYS STARTED RUNNING AND
16 MY SON JUST SAID, WELL, I MIGHT AS WELL WAIT, YOU KNOW, LET
17 THEM CATCH -- THEY CAUGHT ME. BESIDES, HE WAS THE ONLY ONE
18 AROUND SO HE KNEW HE COULDN'T RUN VERY FAR.

19 AND THE COP PROCEEDED TO JUST BEAT HIM TO A PULP.
20 AND I HAVE WITNESSES. I HAD THREE WITNESSES THAT SAW IT. AND
21 MY SON JUST -- THEY GOT HIM AND THEY THREW HIM ON THE GROUND
22 AND DRAGGED HIM TO HIS FEET AND IN THE BLOODY -- JUST A BLOODY
23 POOL OF BLOOD. AND WHAT THEY DID IS THEY COVERED HIM WITH A
24 SHEET, AND ONE OF THE OFFICERS THAT WAS THE SECOND OFFICER THAT
25 CAME REALLY SAVED HIM BECAUSE HE GRABBED THE GUY AND SAID, HEY,

1 PAUL, WHAT ARE YOU DOING? THE GUY WAS JUST LIKE CRAZY, YOU
2 KNOW.

3 AND MY SON BROKE THE LAW. I REALIZE THAT. MY SON
4 WAS A GANG MEMBER, YOU KNOW. I CAN SAY THAT. BUT WHEN THAT
5 POLICE OFFICER BEAT HIM, HE BECAME A CRIMINAL HIMSELF; AND
6 THEREFORE, YOU KNOW, IT HURT ME AND MY WIFE REAL BAD. THAT'S
7 ALL.

8 MS. BUITRAGO: THANK YOU, MR. CASTILLO. AND I KNOW THAT
9 IT'S VERY HARD FOR YOU TO GIVE THAT TESTIMONY, BUT THANK YOU
10 VERY MUCH.

11 I'M GOING TO HAVE TO MOVE ON, HOWEVER, AND HEAR FROM
12 FRED GARCIA. OH, YOU WENT ALREADY? I'M SORRY. RUDY
13 ESCALANTE?

14 MR. GARCIA: I NEVER FINISHED, BUT THAT'S ALL RIGHT.

15 MS. BUITRAGO: RUDY ESCALANTE?

16 MR. ESCALANTE: MY NAME IS RUDY ESCALANTE. AND I AM
17 CHAIRMAN OF THE AMERICAN G.I. FORUM FOR UNION 3, WHICH IS L.A.
18 AND ORANGE COUNTY. AND THE MAIN REASON THAT I'M HERE IS TO
19 SUPPORT UNITED NEIGHBORHOODS IN THEIR EFFORTS TO TRY TO SOLVE
20 MANY OF THE PROBLEMS IN THE COMMUNITY WITHIN THE ANAHEIM POLICE
21 DEPARTMENT. AND ONE OF THE MOST IMPORTANT RECOMMENDATIONS THAT
22 I SEE -- AND I HOPE THAT THIS COMMISSION RECOMMENDS IT TOO --
23 IS THE NEED FOR CIVILIAN POLICE REVIEW BOARD WITH SUFFICIENT
24 POWERS AND INDEPENDENT AUTHORITY AS A SOLUTION TO POLICE
25 MISACTIONS. AND AS YOU COMMISSIONERS WITNESSED TODAY, YOU

1 ASKED THE POLICE CHIEFS ABOUT IF THEY WOULD SUPPORT A POLICE
2 REVIEW BOARD AND THE ANSWER WAS NO. SO NOW YOU KNOW WHERE THEY
3 STAND. AND, OF COURSE, I KNEW THAT ALL THE TIME. AND THE
4 FORUM HAS BEEN INVOLVED FOR THE LAST 49 YEARS WORKING WITH
5 COMMUNITY ORGANIZATIONS IN TRYING TO RESOLVE SOME OF THE RACISM
6 AND DISCRIMINATION THROUGHOUT THE UNITED STATES.

7 AND THE OTHER THING IS THAT I WAS LOOKING AT THE
8 HOLOCAUST THE OTHER NIGHT AND, I MEAN, TALKING ABOUT TAKING
9 PHOTOS OF INNOCENT PEOPLE. WELL, SOME OF YOU MIGHT NOT KNOW
10 BUT THE NAZIS DURING WORLD WAR II, THEY ALSO USED TO TAKE
11 PICTURES OF INNOCENT PEOPLE. SO WHAT I'M SAYING IS THAT I HOPE
12 THAT THIS COMMISSION RECOMMENDS A CIVILIAN REVIEW BOARD,
13 BECAUSE I THINK THAT THAT'S A VERY, VERY IMPORTANT ISSUE
14 BECAUSE, AS YOU KNOW, WHEN YOU GO AND FILE A COMPLAINT IN THE
15 POLICE DEPARTMENT, HOW CAN YOU GET ANY JUSTICE WHEN THE PERSON
16 THAT YOU GIVE THE COMPLAINT TO IS UNDER INVESTIGATION FOR
17 POLICE BRUTALITY? SO THAT'S WHAT I'M SAYING. THANK YOU VERY
18 MUCH.

19 MS. BUITRAGO: THANK YOU, MR. ESCALANTE.

20 I'M GOING TO CALL UP THE NEXT SIX PEOPLE: MARILYN
21 WEIDMAN, RICARDO MENDOZA, JOSIE MONTOYA, STEVE DELGADILLO,
22 RANDY SEGOUIT.

23 MR. SEGOVIA: SEGOVIA.

24 MS. BUITRAGO: SEGOVIA. OKAY. AND BENNY SILVA. WE'LL
25 JUST START WITH MARILYN WEIDMAN.

1 MS. WEIDMAN: COULD I DEFER TO BENNY, IF I COULD? I THINK
2 HE WOULD BE A GOOD PLACE TO START.

3 MS. BUITRAGO: SO YOU'RE NOT GOING TO MAKE ANY COMMENT?

4 MS. WEIDMAN: I WOULD LIKE TO, BUT IF I COULD EXCHANGE
5 PLACES, I THINK IT WOULD BE MORE EFFECTIVE TO HEAR BENNY.

6 MS. BUITRAGO: MR. SILVA?

7 MR. SILVA: OKAY. MY NAME IS BENNY SILVA. I'M WITH
8 UNITED NEIGHBORS OF ANAHEIM. I'M HERE TO DISCUSS -- OUR SON
9 GARY WAS MURDERED IN SEPTEMBER 24TH OF '95 IN SANTA ANA.

10 AUDIENCE SPEAKER: WE CAN'T HEAR.

11 MS. BUITRAGO: CAN YOU USE THE MICROPHONE?

12 MR. SILVA: I'M SORRY. OKAY. OUR SON GARY WAS MURDERED
13 SEPTEMBER 24TH OF 1995. UP TO NOW, ALMOST TWO YEARS SINCE HIS
14 MURDER, NO ONE PERSON HAS BEEN ARRESTED. SANTA ANA P.D. HAS
15 THE HIGHEST UNSOLVED HOMICIDES IN THE COUNTY. THE POLICE WERE
16 CALLED THROUGH 911. THEY PASSED ONE TIME THROUGH THE STREET.
17 NOT ONE TIME DID THEY GET OUT OF THEIR CAR TO INVESTIGATE. HE
18 WAS LABELED AS A KNOWN GANG MEMBER WHEN THEY I.D.'D HIS BODY.
19 IF YOU'RE LABELED AS A GANG MEMBER, YOU DON'T GET INVESTIGATED
20 AS FAST AS A NONGANG.

21 HE SAYS -- THERE'S A WRITE-UP THAT THE CHIEF MADE IN
22 THE SANTA ANA REGISTER. HE SAYS, "NO ONE WILL MISS THEM."
23 THIS TALKS ABOUT ALL THESE GANG MEMBERS THAT ARE KILLED. HE
24 SAYS, "IF THEY'RE KILLED, NO ONE WILL MISS THEM." THIS WAS
25 QUOTED IN THE SANTA ANA REGISTER.

1 AND WHAT I WOULD LIKE TO GET GOING IS TO HAVE THE
2 POLICE EVEN COMMUNICATE WITH US. UP TO NOW, NOTHING. THE
3 OTHER DAY MY WIFE CALLED THE HOMICIDE, TRIED TO GET AHOLD OF A
4 DETECTIVE. HE SAID -- SHE LEFT A MESSAGE. HE WASN'T IN. HE
5 CALLED BACK AND HE SAYS, "WHAT DID YOU CALL ME FOR?" SO THAT'S
6 THE MENTALITY OF THE SANTA ANA P.D. THANK YOU.

7 MS. BUITRAGO: THANK YOU, MR. SILVA. MS. WEIDMAN?

8 MS. WEIDMAN: I'M A SOCIAL WORKER, AND I'M HERE AS A
9 MEMBER OF THE LATINO SOCIAL WORK NETWORK. AND WE ARE PUTTING
10 TOGETHER A GROUP OF PEOPLE WHO WILL BE PRESENTING SOME
11 MATERIALS REGARDING WHAT WE ARE FIGHTING IN ORANGE COUNTY IN
12 TERMS OF INEQUALITY IN THE LAND OF OPPORTUNITY. AND IT IS VERY
13 REAL. AND THOSE OF US WHO WORK IN SOCIAL WORK AND SOCIAL
14 SERVICES SEE IT QUITE OFTEN. AND PART OF WHAT WE HAVE SEEN AND
15 I HAVE BEEN DEDICATING A LOT OF MY TIME TO DOING IS GOING OUT
16 AS A MEMBER OF THE UNITED NEIGHBORHOODS AS WELL AND DOCUMENTING
17 AND RESEARCHING WHAT THIS IS DOING TO THE COMMUNITY AND
18 ESPECIALLY TO THE CHILDREN.

19 AND I THINK SOMETHING THAT GETS LOST IN THE EQUATION
20 HERE IS THAT RIPPLE EFFECT THAT JUDITH REFERRED TO AND THAT IS
21 THE SIBLINGS, THE YOUNGER BROTHERS AND SISTERS, THE FAMILY
22 MEMBERS; HOW THIS AFFECTS THEM WHEN THEY SEE THEIR FATHERS,
23 THEIR MOTHERS, THEIR SISTERS AND BROTHERS BEATEN, BRUTALIZED,
24 HUMILIATED IN PUBLIC; MADE TO STRIP-SEARCH IN PUBLIC AND MADE
25 TO GO DO ALL SORTS OF THINGS THAT WE COULDN'T IMAGINE HAPPENING

1 TO OUR CHILDREN IN THE WHITE COMMUNITY.

2 AND THIS HAPPENS EVERY DAY. THEY ARE STOPPED. THEY
3 ARE DETAINED. THEY ARE TICKETED TO DEATH IN ORDER TO GET A
4 CONTACT, AN F.I. CARD. I JUST LEARNED WHAT THAT THING WAS
5 CALLED. ALL I KNOW IS -- AND I JUST LEARNED THIS TOO FROM A
6 YOUNG MAN WHO WAS GOING TO TESTIFY TODAY, BUT THEY WOULD BE
7 HERE -- WE WENT OUT TO SEE IF SOME OF THEM MIGHT COME IN. THEY
8 ARE EXTREMELY TERRIFIED OF RETALIATION BY THE POLICE, AND SO
9 THEY DON'T SHOW UP.

10 AND, ANYWAY, THOSE F.I. CARDS OR THOSE CONTACTS ARE
11 REGISTERED ON THEIR RECORDS, AND IF THEY ARE ON PROBATION -- I
12 JUST FOUND OUT THAT THEIR PROBATION IS EXTENDED. FOR INSTANCE,
13 IF THEY'RE ON A SIX-MONTH PROBATION, THAT IS EXTEND ANOTHER SIX
14 MONTHS FROM THAT TIME OF THAT LAST CONTACT. AND SO THAT
15 CONTACT COULD BE FOR SOMETHING VERY, VERY MINIMAL, YOU KNOW.

16 THIS IS THE OTHER THING THAT I HAVE MANY, MANY
17 QUESTIONS ABOUT IS WHAT IS THE CRITERIA BY WHICH THEY DETERMINE
18 REASONABLE CAUSE -- OR WHATEVER THESE WORDS ARE -- THAT THE
19 OFFICERS USE TO STOP SOMEBODY AND DETAIN THEM. AND WE CAN GO
20 THROUGH WHAT -- YOU KNOW, IS EVERYBODY FOLLOWING A STRICT
21 STANDARD OF CRITERIA?

22 MS. BUITRAGO: IF YOU CAN SUMMARIZE YOUR COMMENTS, PLEASE.

23 MS. WEIDMAN: MY CONCERN IS IT'S THE OFFICERS THEMSELVES
24 WHO HAVE TO DETERMINE WHAT THEIR OWN INTEGRITY; WHAT THEIR
25 CRITERIA IS; IF THEY ARE BEING HONEST WHEN THEY FILL OUT THOSE

1 CARDS. AND THAT'S WHAT WE HAVE OUR REAL CONCERN ABOUT. THANK
2 YOU.

3 MS. BUITRAGO: THANK YOU. RICARDO MENDOZA?

4 MR. MENDOZA: GOOD AFTERNOON. MY NAME IS RICARDO
5 MENDOZA. I'M, FIRST OF ALL, THE CALIFORNIA DEPUTY STATE
6 DIRECTOR FOR LULAC -- FOR THE LEAGUE OF UNITED LATIN AMERICAN
7 CITIZENS. I'M A CITIZEN BORN AND RAISED HERE IN ORANGE COUNTY
8 AND ALSO THE FATHER OF QUOTE/UNQUOTE TARGET AT RISK CHILDREN
9 HERE IN ORANGE COUNTY.

10 THE FIRST THING THAT I WANTED TO MAKE REAL CLEAR,
11 AND I THINK IT'S BEEN DOCUMENTED NOT ONLY AT THIS HEARING BUT
12 APPARENTLY A HEARING THAT THIS BODY MADE IN DECEMBER, THAT
13 FIRST ALL, THIS ISN'T A NEW PROBLEM. THIS IS A HISTORIC
14 PROBLEM. IF YOU ARE LATINO GROWING UP IN ORANGE COUNTY, YOU
15 KNOW THAT THESE THINGS HAPPEN. IT'S HISTORIC, AND IT'S AN
16 ONGOING PROBLEM.

17 WHAT REALLY CONCERNS ME AS AN INDIVIDUAL IS THAT ALL
18 OF A SUDDEN IT HAS BECOME TRENDY, YOU KNOW, TO DISCRIMINATE.
19 AND ALSO TO VIOLATE PEOPLE'S INDIVIDUAL CIVIL RIGHTS IS
20 BECOMING INSTITUTIONALIZED AND IT'S BECOME LEGITIMATIZED. AND
21 THAT'S WHAT I'M BASICALLY CONCERNED ABOUT WHEN INSTITUTIONS
22 SUCH AS THE POLICE DEPARTMENT, CITIES, COUNTIES -- AND, AS WE
23 HEARD THIS MORNING -- STATEWIDE AGENCIES THINK IT'S OKAY TO
24 VIOLATE INDIVIDUAL CIVIL RIGHTS BY DETAINING THEM, BY GETTING
25 PHOTOGRAPHS, PHOTOGRAPHING INDISCRIMINATELY, YOU KNOW. THESE

1 ARE VIOLATIONS OF CIVIL RIGHTS.

2 AGAIN, LULAC GOES ON RECORD THAT WE ARE AGAINST
3 YOUTH VIOLENCE. WE ARE AGAINST FIGHTING GANG ACTIVITY AND
4 CRIME. AND WE ALSO WOULD LIKE TO BE ON RECORD TO SAY THAT WE
5 ALSO ARE AGAINST ANY POLICY, CODE, PROCEDURE, OR STATUTE THAT
6 VIOLATES INDIVIDUAL CIVIL RIGHTS. WHEN ONE INDIVIDUAL'S CIVIL
7 RIGHTS ARE VIOLATED, ALL OF OUR CIVIL RIGHTS ARE VIOLATED. AND
8 THAT'S BASICALLY, YOU KNOW, WHAT I WANTED TO SAY AS FAR AS THE
9 LEAGUE IS CONCERNED.

10 WE ALSO SUPPORT ALL THE ORGANIZATIONS OF INDIVIDUALS
11 AND THEIR EFFORTS, I THINK, TAKEN HERE TODAY AND THAT HAVE BEEN
12 GOING ON FOR QUITE A WHILE IN ORANGE COUNTY. AS A PARENT, I
13 HAVE PERSONALLY BEEN INVOLVED WITH HAVING MY CHILDREN AND
14 MYSELF INDISCRIMINATELY DETAINED AND ASKED QUESTIONS WHETHER OR
15 NOT WE BELONG TO GANG MEMBERS OR NOT. MY SON, FOR INSTANCE, IS
16 21 NOW AND IN THE LAST FIVE YEARS HAS BEEN STOPPED FIVE TIMES.
17 NEVER GIVEN A REASON WHY HE WAS STOPPED BY THE FULLERTON POLICE
18 DEPARTMENT, THE WESTMINSTER POLICE DEPARTMENT, LA HABRA POLICE
19 DEPARTMENT, AND THE ORANGE COUNTY SHERIFF'S DEPARTMENT; ALL
20 ASKING THE SAME QUESTION: ARE YOU A GANG MEMBER?

21 MS. BUITRAGO: MR. MENDOZA, WE HAVE TO INTERRUPT AND ASK
22 YOU TO SUMMARIZE.

23 MR. MENDOZA: THAT'S FINE. SO, BASICALLY, WHAT I WOULD
24 LIKE TO MAKE AS A RECOMMENDATION IS I WOULD LIKE TO SAY THAT,
25 YOU KNOW, WE DO SUPPORT POLICE CITIZEN AND REVIEW COMMITTEES;

1 WE SUPPORT HEARINGS SUCH AS THIS THAT GOES ON IN THE COMMUNITY
2 AND OBTAINS INFORMATION. WHAT I WOULD ALSO LIKE TO SEE IN
3 PARTICULAR THESE HEARINGS IS THAT THESE HEARINGS OR THESE TYPES
4 OF HEARINGS ARE MORE ACCESSIBLE TO THE COMMUNITY; THAT ONE OF
5 THE WAYS THAT THEY CAN BE ACCESSIBLE TO THE COMMUNITY IS BY
6 HOLDING THESE HEARINGS IN THE QUOTE/UNQUOTE TARGET AREAS.

7 AND ONE OF THE OTHER THINGS THAT I WOULD LIKE TO SEE
8 IS WE SAW THREE PANELS -- THREE OR FOUR PANELS THIS MORNING,
9 AND WHAT WAS REALLY INTERESTING, EVEN THOUGH THE SUBJECT MATTER
10 WAS YOUTH, THERE WERE NO YOUTH PANELS, YOU KNOW. AND THAT
11 TELLS US A LITTLE BIT ABOUT THE PROCEDURE AND THINGS THAT WE
12 NEED TO LOOK AT FOR FUTURE HEARINGS AND POLICIES AND
13 REGULATIONS.

14 MS. BUITRAGO: THANK YOU, MR. MENDOZA. AND I REALLY DO
15 HAVE TO INTERRUPT, AND YOUR COMMENTS ARE WELL TAKEN.

16 MR. MENDOZA: THANK YOU.

17 MS. BUITRAGO: JOSIE MONTOYA?

18 MS. MONTOYA: I HAVE BEEN A COMMUNITY ORGANIZER ACTIVIST
19 FOR MOST OF MY LIFE. I WAS BORN IN ANAHEIM, AND I'VE DONE A
20 GREAT DEAL OF COMMUNITY WORK IN ANAHEIM. AND IT HAS LONG BEEN
21 MY BELIEF THAT IN ANY SITUATION WHERE YOU ORGANIZE FOR
22 IMPROVEMENTS IN THE COMMUNITY, THERE AREN'T ANY COMMUNITY
23 ISSUES, WHETHER IT BE DISCRIMINATION, HOUSING, LAW ENFORCEMENT,
24 WHATEVER, THAT YOU NEED TO BLEND THE LEADERSHIP, WHAT I CALL
25 THE PROFESSIONAL LEADERS, THOSE WHO ARE IN A POSITION THAT CAN

1 GO OUT AND DO THE RESEARCH AND COME IN WITH THE RESEARCH AND
2 PROFESSIONAL KNOWLEDGE WITH THE GRASSROOTS, LEADERSHIP THAT ARE
3 AFFECTED BY THE ISSUE. AND IN MY ESTIMATE, MANY TIMES THE TRUE
4 EXPERTS. AND I THINK THAT HAS HAPPENED HERE TODAY.

5 I WAS VERY HAPPY THIS MORNING THAT I WALKED IN AND
6 THE FIRST PANEL WAS TALKING ABOUT THE ISSUE IN THE SAME MANNER
7 THAT WE TALK ABOUT IT AT OUR NEIGHBORHOOD COMMUNITY MEETINGS.
8 THEY WERE -- THE TYPE OF RECOMMENDATION THEY WERE MAKING ARE
9 THE SAME ONES WE ARE SUBMITTING TO YOU FOR YOUR CONSIDERATION.
10 AND AS KIND OF A CONFIRMATION, ONE OF OUR ORGANIZATION MEMBERS
11 CAME UP TO ME AT FIRST BREAK AND SAID, "DID YOU TALK TO THEM?
12 DID YOU TELL THEM WHAT TO SAY?" AND I SAID, NO. AND EVERYBODY
13 WAS VERY EXCITED THAT, GEE, WE MUST BE IN THE RIGHT TRACK. AND
14 IT WAS A REAL CONFIRMATION FOR US.

15 I WANT TO SAY THAT THIS NOT ONLY SHOWS CIVIL RIGHTS
16 AS IT IS OCCURRING IN ANAHEIM WHERE THE ANAHEIM POLICE
17 DEPARTMENT IS VERY DIVISIVE TO OUR COMMUNITY. IT IS TAKING ONE
18 SEGMENT OF OUR COMMUNITY AND PUTTING IT AGAINST ANOTHER. THE
19 FIGURES THAT ARE RELEASED TO THE PUBLIC ABOUT THE NUMBER OF
20 GANGS AND THE NUMBER OF GANG MEMBERS -- 5,000 GANG MEMBERS IN
21 ANAHEIM -- ARE GROSSLY INFLATED. WE COULD PROBABLY SAY ARE
22 INFLATED AS MUCH AS 50 PERCENT. NOW, THIS IS NOT ONLY
23 HAPPENING IN ANAHEIM. IN DOING RESEARCH IN ORANGE COUNTY AND
24 OTHER CITIES, WE FIND SIMILAR INFORMATION AVAILABLE.

25 LIKE I SAID, THE TRUE EXPERTS ON JUST ABOUT ANY

1 ISSUE ARE THE PEOPLE THAT ARE AFFECTED BY IT. AND WE CAN GO
2 FROM NEIGHBORHOOD TO NEIGHBORHOOD IN ANAHEIM AND KNOW EXACTLY
3 HOW MANY GANG MEMBERS THERE ARE IN THOSE NEIGHBORHOODS, AND
4 THAT THEY ARE FAR, FAR, IN DISTANCE, FROM WHAT THE POLICE SAID.

5 NOW, WHY DOES THE POLICE WANT TO INFLATE THESE
6 FIGURES? FOR ECONOMICS, FOR GRANTS, FOR MONEY. AND IN MY
7 BELIEF, I FEEL THAT THEY HOLD THE COMMUNITY AS HOSTAGES BY THE
8 FEAR THAT THEY INSTILL IN THEM. IT'S A CONSTANT THING
9 PUBLICIZING OF, YOU KNOW, GIVE US MORE MONEY, LET US DO THIS
10 AND LOOK OUT WHAT WE'RE DOING; AND IF YOU DON'T, THESE GANGS
11 ARE GOING TO COME AFTER YOU. THESE GANGS ARE A SERIOUS
12 PROBLEM. YES, WE ARE AGAINST GANG ACTIVITY, AGAINST CRIMINAL
13 BEHAVIOR; BUT WE BELIEVE THAT GANG MEMBERS, IF OFFERED AN
14 OPPORTUNITY, THAT MOST OF THEM WILL CHOOSE TO BE POSITIVE OR
15 CONTRIBUTE TO SOCIETY GIVEN THE OPPORTUNITY.

16 MS. BUITRAGO: MS. MONTOYA, CAN YOU SUMMARIZE YOUR
17 COMMENT?

18 MS. MONTOYA: YES. I AM GOING TO JOIN AND SUPPORT OF ALL
19 THE OTHER PEOPLE THAT THROUGHOUT THE DAY HAVE SAID THAT THE
20 ONLY REAL SOLUTION IS A POLICE COMMUNITY REVIEW BOARD WITH
21 SUBPOENA POWERS. THERE'S JUST NO WAY THAT POLICE CAN
22 INVESTIGATE THEMSELVES. THEY HAVE CONSISTENTLY SHOWED THAT.
23 AND IN THE INFORMATION WE SUBMITTED TO YOU, THERE IS A LISTING
24 OF 11 INDIVIDUAL ABUSE CASES, VIOLENCE CASES. THEY ARE LISTED
25 BY DATE AND NAME. I ASK THAT THAT FILE BE KEPT CONFIDENTIAL.

1 WE DID NOT INCLUDE THE POLICE OFFICERS' NAMES. WE DO HAVE
2 THOSE POLICE OFFICERS' NAMES AVAILABLE, AND WE'LL MAKE THEM
3 AVAILABLE TO YOU UPON REQUEST. THE FILE HAS BEEN SUBMITTED FOR
4 YOUR REVIEW. THANK YOU.

5 MS. BUITRAGO: THANK YOU. STEVE DELGADILLO?

6 MR. DELGADILLO: THANK YOU FOR THIS OPPORTUNITY TO SPEAK.
7 MY NAME IS STEVE DELGADILLO, RESIDENT OF ORANGE COUNTY FOR
8 ABOUT 25 YEARS. AND MY FAMILY IS FROM JALISCO, MEXICO. I
9 WANTED TO BE HERE AND THANK YOU THAT I'M ABLE TO PARTICIPATE AS
10 A WORKING MEMBER OF THE UNITED NEIGHBORHOODS; BUT I CAME TO
11 THIS, BASICALLY, AS A PARENT OF FOUR DAUGHTERS.

12 AND MY CONCERN WAS AN INCIDENT THAT HAS HAPPENED TO
13 ME IN ANAHEIM WITH THE ANAHEIM POLICE DEPARTMENT. AND IT MAY
14 BE TRIVIAL, BUT IT'S VERY IMPORTANT FOR SEARCH AND SEIZURE THAT
15 IT HAPPENED. AND YET THE POLICE MAY THINK IT'S NOT AN
16 IMPORTANT ISSUE OR ISOLATED EVENT, BUT I WAS WITH ONE OF THE
17 YOUTH FROM THE BEYOND LIMITS PROGRAM. WE WERE HARVESTING SAGE
18 THAT GROWS WILD IN ANAHEIM HILLS. AS WE COLLECTED THE SAGE, WE
19 WERE POSED BY LAW ENFORCEMENT PULLING MATERIAL OUT OF MY CAR
20 AND STATING THAT THEY WANTED TO KNOW WHAT ALL THIS WAS THAT
21 THEY SPREAD ON TOP OF MY CAR. AND I WAS CONCERNED ABOUT THAT
22 BECAUSE IT WAS LOCKED, AND THEY BROKE IN. AND IT WAS A LONG
23 PROCESS TO TRY TO WORK WITH LAW ENFORCEMENT TO SEE WHAT THEY
24 WERE DOING AND THINKING THAT THEY HAVE ACTUALLY, AS THEY SAID,
25 CART BLANCHE TO DO WHATEVER THEY WANT TO DO, THAT RAISED SOME

1 CONCERNS.

2 IF IT'S HAPPENING TO ME, IT'S HAPPENING TO OTHERS IN
3 THE COMMUNITY. AND I HAVE SEEN THIS BEHIND CLOSED DOORS AS A
4 FORMER EMPLOYEE OF THE CITY MANAGER'S OFFICE OF THE CITY OF
5 ANAHEIM IN INTERDEPARTMENTAL GANG AND DRUG TASK FORCE MEETINGS;
6 THAT HAD BROUGHT SHERIFF GASTON AND SERGEANT HAROLD MARTIN
7 COMING IN AS A PLAN TO REMOVE PARKING SPACES FROM THE COMMUNITY
8 WITHOUT PUBLIC INPUT AND WITHOUT HAVING THE PUBLIC AWARE OF
9 WHAT IMPACT IT WAS GOING TO HAVE AND WHETHER OR NOT THEY WANTED
10 TO DO THIS. AND WITH PHOTOGRAPHS PASSED AROUND ALSO OF THE
11 COMMUNITY WITHOUT THEIR PERMISSION, THAT WAS ALSO CONFIRMED BY
12 HAROLD MARTIN -- OH, I JUST TOOK THEIR PICTURE.

13 AND WHEN I ASKED HIM IF HE'S BILINGUAL, HE SAYS,
14 THEY DON'T CARE IF YOU'RE BILINGUAL. ALL THEY WANT IS A COP ON
15 YOUR FEET. THIS IS THE ATTITUDE. THAT WAS IN A MEETING -- AN
16 ADMINISTRATIVE MEETING BEHIND CLOSED DOORS. AND IT'S SHOCKING
17 THAT YOU SEE WHAT'S HAPPENING BEHIND THOSE CLOSED DOORS, A
18 PLANNING PROCESS WITHOUT COMMUNITY INPUT, AS TO SAY THAT WE
19 KNOW BEST WHAT'S FOR THE POOR "INDIO."

20 SO THAT'S A CONCERN THAT I SHARED WITH THEM,
21 ALTHOUGH, HE SAID, LOOK HOW THESE PEOPLE LIVE WITH ALL THE JUNK
22 PILED UP IN THEIR GARAGE. NO WONDER THEY CAN'T PARK THE CAR IN
23 THE STREET. WELL, I CAUTIONED HIM ON THE WAY HE APPROACHED THE
24 COMMUNITY; YET, I ALSO SAID THAT HIS LACK OF CULTURAL
25 SENSITIVITY IS GOING TO UNDERMINE THE GOOD WORKS OF OTHER

1 DEPARTMENTS.

2 SO MULTICULTURE SENSITIVITY TRAINING IS A MUST FOR
3 ALL THE DEPARTMENTS; THAT IT'S MANDATORY THAT UPON ANY
4 PROMOTION OR SALARY INCREASES, THEY NEED TO HAVE THAT
5 COMPREHENSIVE -- INCLUDING IF IT'S A MIXED CULTURE OF A GANG,
6 THEY NEED TO KNOW HOW TO DEAL WITH THAT OR PEOPLE WHO ARE UNDER
7 THE INFLUENCE; HOW THEY CAN WORK WITH THAT.

8 SO THOSE ARE THE RECOMMENDATIONS, AS WELL AS THE
9 CIVILIANS LAW ENFORCEMENT REVIEW BOARD, I THINK, IT'S UTMOST.
10 I WANT TO, AGAIN, THANK YOU FOR THIS OPPORTUNITY TO PRESENT
11 THIS TO YOU.

12 MS. BUITRAGO: THANK YOU, MR. DELGADILLO. THAT WAS GOOD
13 INPUT. RANDY SEGOVIA?

14 MR. SEGOVIA: YES. MY NAME IS RANDY SEGOVIA. AND FIRST
15 ALL, I'D LIKE TO THANK UNITED NEIGHBORHOODS FOR GIVING ME THIS
16 OPPORTUNITY TO SPEAK, AND I'D ALSO WOULD LIKE TO THANK THE
17 COMMISSION FOR ALSO ALLOWING ME TO SPEAK HERE.

18 I AM A NATIVE FROM ORANGE COUNTY. I WAS BORN AND
19 RAISED IN ANAHEIM AND DID ALL MY EDUCATION HERE. CURRENTLY,
20 I'VE JUST RECEIVED MY BACHELOR'S DEGREE IN CRIMINAL JUSTICE AND
21 I REALIZE THAT, YOU KNOW, IN THE CRIMINAL JUSTICE SYSTEM, YOU
22 KNOW, WE DO HAVE A LOT OF PROBLEMS.

23 I WAS ALSO FORMERLY THE CHAIRPERSON OF CJMA, WHICH
24 IS A CRIMINAL JUSTICE MEXICAN AMERICAN STUDENT ORGANIZATION AT
25 CAL STATE FULLERTON, WHERE WE, YOU KNOW, GET OUR STUDENTS THAT

1 ARE GRADUATING IN THE CRIMINAL JUSTICE FIELD TO BECOME
2 SENSITIVE AND BE AWARE OF NEEDS AND THE PROBLEMS OF THE CHICANO
3 COMMUNITY AND PEOPLE WITH COLOR.

4 THE OTHER REASON I'M REALLY HERE FOR IS THAT I LIVE
5 IN RIVERSIDE, AND I KNOW EVERYBODY IS TALKING ABOUT ORANGE
6 COUNTY, BUT WHAT I BASICALLY WOULD LIKE TO DO IS ASK THE
7 COMMISSION TO COME TO RIVERSIDE BECAUSE IT SEEMS THAT WE HAVE
8 THE CITY OF ANAHEIM, SANTA ANA, AND EVERYTHING -- IT SEEMED
9 THAT THEY MOVED OVER TO RIVERSIDE -- IT SEEMS LIKE WHAT I'VE
10 BEEN HEARING TODAY.

11 FOR EXAMPLE, I'D LIKE TO BRING UP A COUPLE OF
12 CASES. NUMBER ONE, IN THE BEGINNING OF THIS YEAR, WE HAD TWO
13 LATINOS THAT WERE KILLED. ONE WAS THE OCHOA CASE, AND ONE OF
14 THE MEMBERS IS HERE TODAY. HER SON WAS SHOT AND KILLED. HE
15 WAS EPILEPTIC. HE WAS SHOT AND KILLED BY THE RIVERSIDE POLICE
16 DEPARTMENT. AND, IN OUR OPINION, SOME OF THE INVESTIGATION
17 THAT WE LOOKED AT, WE FEEL THAT MR. OCHOA WAS LEFT TO BLEED TO
18 DEATH; AND THAT IS SOME OF THE INFORMATION THAT WE'RE LOOKING
19 AT AND WE'RE COMING ABOUT OF THE SITUATION.

20 WE ALSO HAD ANOTHER CASE OF ISLAS. HE WAS BEATEN UP
21 BY FIVE RIVERSIDE POLICE OFFICERS -- BEATEN TO DEATH. AND THIS
22 CAUSED SO MUCH ANGER IN RIVERSIDE AFTER WE HAD, YOU KNOW, WE
23 GOT REAL FAMOUS FOR THE IMMIGRANT BEATING. WE GOT REAL POPULAR
24 FOR THAT -- OUR CITY. AND IT ANGERED, THE CITY OF RIVERSIDE SO
25 MUCH AFTER THE RIVERSIDE BEATING, AND NOW WE HAVE THESE TWO

1 HISPANICS THAT WERE KILLED.

2 AND ALSO ANOTHER ASPECT THAT NOBODY TALKED ABOUT IS
3 WE'RE ALSO HAVING PROBLEMS IN OUR COUNTY JAIL WHERE CHICANOS
4 AND PEOPLE OF COLOR WHO ARE IN THE JAILS ARE GETTING BEATEN IN
5 THERE AND NOBODY CAN SEE OR KNOW WHAT'S HAPPENING OR ANYTHING,
6 BUT WE'RE HAVING CASES WHERE MINORITIES ARE BEING BEAT BY THEIR
7 BEING INCARCERATED.

8 THE LAST THING OR THE THING THAT WE'RE REALLY
9 CONCERNED ABOUT AS AN ORGANIZATION -- I'M ALSO A MEMBER OF THE
10 AMERICAN G.I. FORUM AND THE CRIMINAL JUSTICE ORGANIZATION --
11 WE'RE CONCERNED ABOUT SOME OF THESE POLICE OFFICERS THAT HAVE
12 HAD EXCESSIVE ABUSE CASES. FOR EXAMPLE, DEPUTY WATSON IN
13 RIVERSIDE HAD AN EXTREMELY ABUSIVE CASE OF POLICE BRUTALITY,
14 AND YET NO ONE HERE TODAY HAS ASKED OR BROUGHT UP THESE
15 QUESTIONS ABOUT THE POLICE OFFICERS. NOW, WE'RE NOT SAYING ALL
16 OF THEM, BUT THERE ARE SOME POLICE OFFICERS THAT HAVE BEEN
17 INVOLVED --

18 MS. BUITRAGO: MR. SEGOVIA, IF YOU COULD SUMMARIZE YOUR
19 COMMENTS.

20 MR. SEGOVIA: OKAY. WHAT I'D LIKE TO SUMMARIZE IS THAT,
21 YOU KNOW, WE'RE ASKING THE COMMISSION TO ALSO SUPPORT A CITIZEN
22 REVIEW BOARD HERE IN ORANGE COUNTY AS WELL AS RIVERSIDE, AND
23 ALSO CONDUCT INVESTIGATIONS OF POLICE OFFICERS WHO HAVE
24 PREVIOUS POLICE BRUTALITY CASES TO SHOW THAT PATTERNS OF SOME
25 OF THESE OFFICERS ARE ABUSING THEIR POWER. THANK YOU VERY

1 MUCH.

2 MS. BUITRAGO: I'M GOING TO BE CALLING THE NEXT SIX
3 SPEAKERS BEGINNING WITH MARK BLACK, JOHN COGORNO, ZEKE
4 HERNANDEZ, PEYMAN MOTTAAHEDEH, MARVIN BRYER, AND AMID DAVID.

5 MS. HOWARD: EXCUSE ME. I WAS NUMBER 17 AND I WASN'T
6 CALLED.

7 MS. BUITRAGO: WHAT IS YOUR NAME?

8 MS. HOWARD: GRACE HOWARD.

9 MR. HERNANDEZ: SHE CAN TAKE MY PLACE.

10 MS. BUITRAGO: WE'RE ACTUALLY AT NUMBER 15. I CALLED 11,
11 12, 13.

12 MS. HOWARD: I THOUGHT IT WAS 15, 16, 17.

13 MS. BUITRAGO: LET ME SEE HOW MANY PEOPLE WE HAVE. LET ME
14 JUST CALL OUT THE NAMES. THERE'S ACTUALLY TWO PEOPLE SIGNED UP
15 ON ONE PIECE OF PAPER. THAT'S WHY.

16 AUDIENCE SPEAKER: THEY'RE NOT HERE. THEY HAD TO LEAVE.

17 MS. BUITRAGO: OKAY. IF THEY'RE NOT HERE, THEN WE WILL
18 GET THEIR COMMENTS. ZEKE HERNANDEZ?

19 MR. HERNANDEZ: ZEKE.

20 MS. BUITRAGO: ZEKE. SORRY. PEYMAN MOTTAAHEDEH?

21 MR. MOTTAAHEDEH: YES.

22 MS. BUITRAGO: MARVIN BRYER, AMIN DAVID, AND GRACE
23 HOWARD. LET'S SEE. AND I CAN TAKE TWO MORE PEOPLE, ELVIA
24 HERNANDEZ, AND SELINDA LOPEZ. WE'RE GOING TO START WITH
25 MR. HERNANDEZ.

1 MR. HERNANDEZ: BEFORE I START, I JUST WANTED TO ASK -- MY
2 NAME IS ZEKE HERNANDEZ. I'M PAST DIRECTOR FOR LULAC -- LEAGUE
3 OF UNITED LATIN AMERICAN CITIZENS. OF THE COMMITTEE MEMBERS
4 WHO ARE HERE NOW, HOW MANY WERE HERE WHEN WE HELD THE HEARING
5 IN DECEMBER OF 1993 HERE IN ORANGE COUNTY? I JUST WANTED --
6 OKAY. THREE OF THE FOUR THAT ARE HERE NOW OR THREE OF THE
7 THREE?

8 MS. BUITRAGO: THREE OF THE FOUR.

9 MR. HERNANDEZ: THREE OF THE FOUR. OKAY. MY NAME IS ZEKE
10 HERNANDEZ. AND AS YOU KNOW, IN EARLY '93, WE FILED A
11 MULTIPPOINT COMPLAINT WITH THE U.S. COMMISSION OF CIVIL RIGHTS.
12 AND EARLIER I DID SPEAK WITH THE CHAIR, MR. FERNANDO HERNANDEZ,
13 AND HE SAID THAT HE WOULD ALSO BE SPEAKING WITH THE STAFF
14 MEMBERS SO THAT WE CAN GET A FEEL IN TERMS OF THE STATUS OF
15 THAT COMPLAINT.

16 AS I UNDERSTAND FROM SOME STAFF MEMBERS -- AND I
17 REALLY DON'T KNOW THAT -- YOU KNOW, WHEN THEY SAY SOME THINGS
18 IN WASHINGTON D.C., YOU KNOW, YOU GET LOST IN THE BUREAUCRACY.
19 BUT, AS YOU KNOW, WE DID FILE THAT REPORT, AND IT IS
20 EXTENSIVE. THE COMPLAINT IS EXTENSIVE, BUT I JUST WANT TO
21 HIGHLIGHT SEVERAL OF THE ITEMS WITHIN THAT COMPLAINT. AND
22 BECAUSE THAT WAS '93, '94 PASSED, '95 PASSED, '96 PASSED, AND
23 '97 WILL SOON PASS; OKAY?

24 AND I THINK WHAT I WANT TO BRING UP A LITTLE LATER
25 ON IS THAT I DON'T KNOW HOW WE CAN STRENGTHEN YOUR INFLUENCE

1 WITH THE U.S. COMMISSION ON CIVIL RIGHTS BECAUSE CERTAINLY THE
2 COMMUNITY CAN LOOK TOWARDS LAW ENFORCEMENT AGENCIES IN TERMS OF
3 PROTECTION AS FAR AS THE STREET IS CONCERNED; BUT AS FAR AS
4 CIVIL RIGHTS ARE CONCERNED, COMMUNITY MEMBERS DON'T HAVE TOO
5 MANY ENTITIES TO LOOK UP TO. AND WE ARE LOOKING AT THIS STATE
6 BODY HERE FOR SOME ASSISTANCE, AND I THINK THAT WE WANT TO
7 CONTINUE TO BELIEVE. WE WANT TO BELIEVE BECAUSE WE JUST DON'T
8 WANT THINGS TO HAPPEN THAT THEY GET TAKEN; THEY GET FILED AWAY
9 AND FORGOTTEN.

10 BUT SOME OF THE THINGS THAT OCCURRED -- THAT DID
11 OCCUR IN '93 WAS THE REPORT THAT CAME OUT OF THE ORANGE COUNTY
12 GRAND JURY WHICH BASICALLY BLAMED A LOT OF ILLS AND EVEN THE
13 FLOODS TO IMMIGRANTS AND PRIMARILY IMMIGRANTS OF SOUTH OF THE
14 BORDER. AND YOU LOOK AT THE ORANGE COUNTY GRAND JURY. ORANGE
15 COUNTY GRAND JURY RESPONDED TO THOSE KINDS OF COMPLAINTS. THEY
16 DID AN OUTREACH EFFORT, AND THEY WERE ABLE TO BRING ON SOME
17 MEMBERS OF COLOR OF THE MINORITY COMMUNITY, LATINOS, AND THE
18 AFRICAN-AMERICAN COMMUNITY.

19 BUT TODAY, TODAY, THAT ORANGE COUNTY GRAND JURY
20 CONSISTS OF MEMBERS OF THE COMMUNITY OF ONLY ONE -- ONE RIGHT
21 NOW THAT'S A MEMBER OF THE ETHNIC COMMUNITY IN ORANGE COUNTY.
22 AND I BELIEVE THAT PERSON IS ASIAN-AMERICAN. NO LATINOS, NO
23 BLACKS, NO AFRICAN-AMERICANS. SO YOU WONDER WHAT HAS
24 HAPPENED. WHAT HAS HAPPENED? WE COMPLAIN. THEY RESPOND.
25 THEY MAKE THINGS HAPPY FOR A PERIOD OF TIME, AND THEN WE COME

1 BACK TO BEING THE SAME AS USUAL, THE SAME AS USUAL. AND SO --
2 BUT WE STILL BELIEVE; OKAY?

3 THE HOUSING PART OF THE COMPLAINT -- WE'VE TOLD YOU
4 OF THE MILLIONS AND MILLIONS OF DOLLARS THAT THE HOUSING
5 AUTHORITY RECEIVES HERE IN ORANGE COUNTY, YET NOT ONE --

6 MS. BUITRAGO: MR. HERNANDEZ, IF YOU CAN PLEASE SUMMARIZE.

7 MR. HERNANDEZ: YES. -- WHERE NOT ONE NAIL HAS BEEN
8 HAMMERED INTO A PLY OF WOOD TO PROVIDE AFFORDABLE HOUSING, YET
9 MILLIONS AND MILLIONS OF DOLLARS ARE BEING -- ARE ENTERING INTO
10 THE COUNTY.

11 WE CAN TALK ABOUT MANY OTHER THINGS, BUT I THINK
12 WHAT IS VERY, VERY IMPORTANT IS I UNDERSTAND THAT OUR COMPLAINT
13 TO THE CIVIL RIGHTS COMMISSION IS STILL THERE, BUT IT'S A
14 MATTER OF WHAT STATUS. AND I THINK IF WE WERE TO SOMEHOW COME
15 UP WITH A STATEMENT FROM THIS COMMITTEE AS TO HOW THE CIVIL
16 RIGHTS COMMISSION CAN RECEIVE IT IN ORDER SO WE HAVE THE CIVIL
17 RIGHTS COMMISSION COME HERE FOR A HEARING.

18 IN '93, MEMBERS OF THE COMMISSION OF CIVIL RIGHTS
19 SAID THAT IT TOOK THEM TWO YEARS FOR THEM TO PLAN TO HAVE THE
20 MEETING IN LOS ANGELES IN '93. AND, AGAIN, SEVERAL YEARS HAVE
21 PASSED. AND I KNOW THAT THERE IS THE BUREAUCRATIC PART OF IT.
22 I KNOW THAT. THEY CAME UP WITH THE EXCUSES IN TERMS OF THE
23 FUNDING OR UNDERFUNDING OF THINGS, BUT I THINK THAT WHAT HAS
24 HAPPENED THE NEEDING AND PLEADING OF THE PEOPLE YOU CANNOT
25 IGNORE. THANK YOU VERY MUCH.

1 MS. BUITRAGO: THANK YOU, MR. HERNANDEZ. AND I'M GOING TO
2 SAY THAT -- BECAUSE IT'S BEEN A LONG TIME SINCE WE HAD THE
3 FIRST HEARING AND, IN FACT, THIS HEARING IS A RESULT OF THAT
4 HEARING. WE HAD TO PICK ONE ISSUE THAT WE COULD FOCUS ON. AND
5 THAT IS WHAT THAT ISSUE IS TODAY. BUT FOR THOSE OF YOU WHO
6 WANT TO ADVOCATE BUDGET ISSUES, YOU CAN BE SURE IF WE HAD MORE
7 MONEY, BELIEVE US, WE WOULD HAVE BEEN BACK A LOT SOONER. AND
8 THAT'S ONE OF THE REASONS WHY IT TOOK US SO LONG. WE APOLOGIZE
9 FOR THAT TO THE COMMUNITY BECAUSE IT'S NOT LACK OF INTEREST.
10 IT'S THE FUNDING.

11 AND MR. HERNANDEZ, THANK YOU FOR YOUR COMMENTS, AND
12 I NEED TO MOVE ON TO THE NEXT SPEAKER.

13 MR. HERNANDEZ: BUT NO APOLOGY IS NEEDED BECAUSE IT'S THE
14 CIVIL RIGHTS COMMISSION -- THE UNITED STATES CIVIL RIGHTS
15 COMMISSION THAT WE'RE ASKING TO COME HERE.

16 MS. BUITRAGO: THANK YOU, MR. HERNANDEZ.

17 MR. MOTTAHEDEH?

18 MR. MOTTAHEDEH: YES.

19 MS. BUITRAGO: DID I PRONOUNCE IT PROPERLY?

20 MR. MOTTAHEDEH: THAT'S PRETTY CLOSE. PEYMAN WILL DO.

21 THANK YOU, LADIES AND GENTLEMEN OF THE COMMISSION,
22 FOR TAKING YOUR TIME TO HEAR THE PUBLIC. I BELIEVE THIS IS A
23 VERY POSH FORUM FOR THE CITIZENS TO VOICE YOUR CONCERNS AND YOU
24 GIVE THE OPPORTUNITY TO MAKE PROPER RECOMMENDATIONS. AND I'D
25 LIKE TO MAKE SOME SUGGESTIONS AS TO THE NEXT TIME THAT YOU DO

1 COME TO ORANGE COUNTY OR THROUGHOUT THE STATE, ANOTHER ISSUE
2 THAT RELATES TO THE EQUAL JUSTICE AND LAW ENFORCEMENT ISSUE;
3 AND THAT IS, WHERE ULTIMATELY THE RUBBER MEETS THE ROAD: THE
4 JUDICIARY.

5 TO TELL YOU A LITTLE BIT ABOUT MYSELF, I COME FROM
6 IRAN. I AM OF A JEWISH FAMILY. MY RELATIVES WERE -- SOME OF
7 THEM WERE TORTURED AND EXECUTED BY THE GOVERNMENT OF IRAN
8 ACCUSED OF BEING SPIES, CORRUPT, AND OTHER FALSE AND BASELESS
9 CHARGES. SO I COME TO AMERICA. CURRENTLY, I'M THE DIRECTOR
10 AND FOUNDER OF THE LAW SCHOOL IN TUSTIN. AND FORTUNATELY, SOME
11 OF THE PROBLEMS THAT ARE BEING ADDRESSED ALREADY, THERE ARE
12 SOME REMEDIES.

13 WHEN THE POLICE ABUSES YOU, THE PEOPLE CAN SUE THE
14 POLICE AGENCIES AND DO WIN. AND THE AMERICAN CITIZENS, THEY
15 DON'T HAVE TO NECESSARILY RELY ON THE ACLU. EVERYBODY CAN PICK
16 UP A LAW BOOK, LEARN THE RIGHTS, STUDY IT. IT'S THERE. SUE
17 THESE GUYS, AND THERE IS A REMEDY. AND SUING THESE POLICE
18 AGENCIES STOPS ABUSE. AND WE THE AMERICAN PEOPLE NEED TO
19 REAWAKEN, OF COURSE, AND STUDY OUR RIGHTS, ASSERT THEM.

20 HOWEVER, THERE IS ONE AREA THAT THAT REMEDY IS NOT
21 AVAILABLE; THAT IS, WITH THE JUDGES WHO COMMIT CRIMINAL ACTIONS
22 FROM THE BENCH BECAUSE YOU CANNOT SUE A JUDGE FROM THE BENCH.
23 THAT IS THE LAW. THAT IS THE IMMUNITY THE JUDGES HAVE GIVEN TO
24 THEMSELVES, AND NOBODY IS ADDRESSING HOW TO HANDLE THAT. YOU
25 CAN SUE THE COP; YOU CAN SUE THE CITY, THE COUNTY FOR ONE

1 MILLION AND TEACH THEM A LESSON NOT TO DO THAT AGAIN. BUT HOW
2 DO YOU STOP A JUDGE FROM COMMITTING A CRIME FROM THE BENCH?
3 AND THE OTHER JUDGES HAVE A SILENT CODE OF SILENCE THAT THEY
4 WILL NOT INDICT OTHER JUDGES.

5 WE HAVE CASES WHERE WHISTLE-BLOWERS WHO STARTED
6 SPEAKING ABOUT THIS WERE JAILED. THEIR HABEAS CORPUS WERE
7 FALSELY DENIED. ONCE ISSUED, THEY WERE HIDDEN. THEY WERE
8 GIVEN MAXIMUM SIX-MONTHS JAIL SENTENCE. AND WE HAVE ALL THIS
9 PROVEN AND WELL DOCUMENTED. IT'S ALL THEIR OWN COURT RECORDS.
10 THEY'RE GETTING SO ARROGANT, SOME OF THE JUDGES -- IN
11 PARTICULAR, THE TRAFFIC COURTS, MUNICIPAL COURTS -- THAT
12 THEY'RE CHARGING PEOPLE FOR FAILURE TO APPEAR IN COURT; AND ON
13 THE SAME MORNING THAT THE PERSON ALLEGEDLY IS NOT THERE,
14 THEY'RE ARRAIGNING HIM FOR THAT SAME FAILURE TO APPEAR.

15 WE HAVE THESE CASES, AND THERE'S A VIOLENT ABUSE
16 THAT'S GOING ON ON A REGULAR BASIS. AND I'D LIKE TO SUGGEST TO
17 THIS COMMITTEE -- SINCE THERE'S NO OTHER REMEDY AVAILABLE TO
18 THE AMERICAN PUBLIC, THIS IS AN OUTRAGEOUS EVENT -- THAT IN
19 ORDER TO STOP AMERICAN COURTS FROM BECOMING CORRUPT AND
20 CRIMINAL LIKE IRAN AND CHINA AND OTHER COUNTRIES, THAT THIS
21 COMMISSION IN THE FUTURE SET SOME TIME THAT THESE MATTERS COULD
22 BE BROUGHT TO YOUR ATTENTION, SO THE PROPER RECOMMENDATIONS
23 COULD BE MADE TO THE CIVIL RIGHTS COMMISSION AND THE F.B.I. AND
24 DEPARTMENT OF JUSTICE FOR PROPER CRIMINAL ACTION THE SAME WAY
25 IT'S BEEN DONE IN THE RODNEY KING CASE, IN THE RIVERSIDE

1 BEATING, AND SO FORTH. AND I THANK YOU THE COMMISSION FOR
2 LISTENING.

3 MS. BUITRAGO: OKAY. MARVIN BRYER? AMIN DAVID?

4 MR. DAVID: SOCORRO, LUZ, ROSA, EDUARDO, BIEN VENIDOS TO
5 ORANGE COUNTY.

6 MS. BUITRAGO: GRACIAS.

7 MR. DAVID: I DON'T COUNT THINGS IN 180 SECONDS. I'M A
8 BUSINESSMAN. I'M HERE REPRESENTING AN ORGANIZATION CALLED LOS
9 AMIGOS OF ORANGE COUNTY. WE WILL BE COMPLETING 20 YEARS OF
10 SERVICE TO THE BELOVED COMMUNITY IN A COUPLE OF YEARS, I
11 BELIEVE, IT IS. TIME FLIES.

12 VERY BRIEFLY, FOUR POINTS. I HAVE HANDED TO YOUR
13 STAFF SWORN TESTIMONY BEFORE AN OFFICER OF THE COURT OF TWO
14 INDIVIDUALS JORGE ALVARADO AND JERRY SANCHEZ WHO WERE BEATEN
15 WHILE IN CUSTODY BY THE ANAHEIM POLICE DEPARTMENT. AND ALL OF
16 THIS HAS HAD A SHIELD OF A CODE OF SILENCE, AND THE CITY
17 PARTICIPATED IN THAT CODE OF SILENCE. YOU NEED TO BURST THAT
18 BUBBLE. READ ABOUT IT.

19 VOTERS, LADIES AND GENTLEMEN, POLICE MISCONDUCT MAY
20 INVOLVE A FEW PEOPLE AND THAT IS TOO MANY. BUT THE CIVIL
21 RIGHTS VIOLATION OF LITERALLY THOUSANDS OF PEOPLE IN ORANGE
22 COUNTY IS ABOUT TO TAKE PLACE. EVERY FOREIGN-BORN AMERICAN
23 CITIZEN REGISTERED VOTER IS AUTOMATICALLY SUSPECT AND WHOSE
24 RECORDS WILL BE CHECKED AGAINST VERY SHODDY RECORDS HANDLED BY
25 THE INS. WE ARE TALKING ABOUT GROSS CIVIL RIGHTS VIOLATIONS OF

1 THE CITIZENS WHO HAVE REGISTERED TO VOTE, AND HERE THEY ARE
2 AUTOMATICALLY SUSPECTS. YOU MUST IMMEDIATELY ACT TO STOP THIS
3 SITUATION.

4 THE CITIZENS' REVIEW BOARD, LADIES AND GENTLEMEN, IS
5 AS OLD AS POLICE DEPARTMENTS. AND WHY IS IT THAT THE CHIEFS OF
6 POLICE THAT YOU HEARD HERE SAY, WE DON'T NEED ONE? FOR
7 GOODNESS' SAKES WE REPORT TO A CITY MANAGER; FOR GOODNESS'
8 SAKES WE REPORT TO THE COUNCIL. WHY IS THERE A PLANNING
9 COMMISSION? WHY IS THERE A COMMUNITY SERVICES COMMISSION? WHY
10 IS THERE A REDEVELOPMENT COMMISSION? WHAT IS THE NEED OF
11 THAT? BECAUSE IT GIVES CITIZENS A POSSIBILITY TO PARTICIPATE
12 IN THEIR FATE.

13 LADIES AND GENTLEMEN, I THINK CITIZEN INPUT INTO THE
14 ACTIVITIES OF THE POLICE DEPARTMENT -- THE TIME IS READY FOR IT
15 NOW. IT HAS TO BE. THIS IS NOW. THE PENDULUM SWINGS EVER TOO
16 QUICKLY FOR THINGS NOT TO HAPPEN, AND IT'S TIME TO DO IT NOW.

17 WE ALSO WOULD LIKE TO RESPECTFULLY PETITION THE
18 MOVEMENT OF A FEDERAL LAW THAT SAYS JUVENILE POLICE PHOTOS
19 CANNOT BE TAKEN UNLESS THE PARENTS APPROVE. AND THAT IS
20 IRREVOCABLE. THAT SHOULD BE IRREVOCABLE AND WITHOUT EXCEPTION;
21 THAT NO ONE CAN SPEAK FOR THE JUVENILE UNLESS IT'S THE PARENT.
22 THANK YOU VERY MUCH.

23 MS. BUITRAGO: THANK YOU. IRMA OCHOA?

24 MR. DAVID: WHO?

25 MS. BUITRAGO: MAYBE I TOOK -- LET ME SEE. GRACE HOWARD.

1 I'LL TAKE YOU IN THE NEXT PANEL. SORRY.

2 MS. HOWARD: MY NAME IS GRACE HOWARD. I AM AN AREA
3 MANAGER. I MANAGE APARTMENT COMMUNITIES IN ANAHEIM. AND I
4 WOULD LIKE TO SAY THAT I WOULD LIKE TO STAND UP FOR THE
5 VICTIMS, THE VICTIMS OF THE GANGS. NO ONE ONCE MENTIONED
6 VICTIMS OF THE GANGS. I SEE WHAT RESIDENTS HAVE TO GO THROUGH
7 WITH THEIR PERSONAL BELONGINGS BEING STOLEN, WHERE THEY'RE
8 PHYSICALLY ATTACKED; WHERE THEY'RE BEATEN; BUT I HAVEN'T HEARD
9 ANYONE TALK ABOUT THEM.

10 AS FAR AS THE ANAHEIM POLICE DEPARTMENT, I RAN TO
11 THEM APPROXIMATELY FOUR YEARS AGO, AND I SAID, "WE NEED HELP."
12 YOU CAN'T EXPECT PEOPLE TO KEEP TOLERATING THIS GANG ACTIVITY.
13 I DON'T CARE WHAT RACE YOU ARE. I DON'T CARE WHAT COLOR YOU
14 ARE. IT HAS NOTHING TO DO WITH IT. I JUST CARE ABOUT HAVING
15 MY RIGHTS, MY RESIDENTS' RIGHTS, AND MY MANAGERS' RIGHTS
16 PROTECTED.

17 THE ANAHEIM POLICE DEPARTMENT HAS BEEN ULTRA, ULTRA
18 COOPERATIVE. THEY PUT ON SEMINARS FOR US. THEY INFORM US OF
19 EVERYTHING WE NEED TO KNOW. THEY HAVE PUT TOGETHER THE REACT
20 CLASS WHICH IS WONDERFUL. WE HAVE A MEETING EVERY MONTH, AND
21 THE ANAHEIM POLICE WILL COME TO OUR MEETING. WE DON'T SEE THE
22 COMMUNITY COMING. WE DON'T SEE THE PEOPLE THAT SHOULD BE THERE
23 COMING. I DON'T KNOW WHY. ALL I CAN TELL YOU IS WORKING WITH
24 THE POLICE DEPARTMENT HAS BEEN ONE OF THE BEST THINGS THAT I
25 HAVE EXPERIENCED.

1 AND I KNOW PEOPLE WON'T LIKE THIS, BUT I WISH WE
2 COULD GET TOUGHER ON GANGS. WE DON'T NEED THEM IN THIS
3 SOCIETY. I HAVE FOUR GRANDCHILDREN THAT HAVE TO GROW UP, AND I
4 HAVE TO TELL YOU I AM VERY FEARFUL FOR THEM. IT'S A DISGRACE.
5 WE SHOULD NOT HAVE TO LIVE UNDER THESE CONDITIONS.

6 GO LOOK AT THE AREAS. DON'T MEET DOWN HERE AND
7 LOOK. GO LOOK IN THE BARRIO. GO LOOK WHERE ALL THE CRIME IS
8 HAPPENING. THEN YOU'LL UNDERSTAND WHY PEOPLE ARE AFRAID. WE
9 HAVE TO LOCK OUR GATES. I'VE HAD TO PUT GATES UP SO PEOPLE
10 DON'T STEAL OUR CARS. I MEAN, THAT'S NOT FAIR EITHER. WHY
11 DON'T WE THINK OF THOSE PEOPLE? WHY DON'T WE THINK ABOUT ALL
12 THE VICTIMS, THE CHILDREN THAT ARE BEING SHOT WITH DRIVEBYS. I
13 FEEL FOR THE PARENTS OF THE GANG MEMBERS, I REALLY DO, BECAUSE
14 IT TEARS UP YOUR HEART. I HAVE CHILDREN OF MY OWN, AND IT
15 WOULD BREAK MY HEART IF THEY WERE INVOLVED IN GANGS. BUT WE
16 ALSO HAVE TO LOOK OUT FOR THE VICTIMS. THEY NEED SOMEONE TO
17 SPEAK FOR THEM.

18 AND I HAVE TO PUBLICLY SAY I WANT TO THANK THE
19 ANAHEIM POLICE DEPARTMENT FOR ALL THEY HAVE DONE FOR THE
20 COMMUNITY. AND THEY HAVE DONE A LOT. I HAVE NEVER HEARD OF
21 THEM REFUSING TO GO ANYWHERE. SO I WANT TO THANK YOU VERY
22 MUCH. AND CHIEF GASTON, HE HAS BEEN A BLESSING BECAUSE I'VE
23 DEALT WITH HIGH OFFICIALS THAT DIDN'T WANT TO LISTEN. THE MAN
24 LISTENS. HE EVEN CHANGES HIS MIND. SOMEONE TOLD ME TODAY HOW
25 HE CHANGED HIS MIND. THAT'S A GOOD MAN. HE LISTENS AND

1 CHANGES HIS MIND WHEN HE FEELS HE'S NOT RIGHT. THAT'S ALL WE
2 CAN ASK OF ANY HUMAN BEING. THE CAPTAINS, THEY'RE ALWAYS THERE
3 FOR THE COMMUNITY. THE PEOPLE WHO COME TO OUR MEETING, IF THEY
4 HAVE A PROBLEM, THEY GO TO THE POLICE. AND THEY TELL THEM WHAT
5 THEIR PROBLEM IS, AND THE POLICE TRY TO HELP. THEY CAN'T SOLVE
6 EVERYTHING.

7 ONE OF THE APPROACHES --

8 MS. BUITRAGO: MS. HOWARD, IF YOU COULD SUMMARIZE YOUR
9 COMMENTS.

10 MS. HOWARD: OKAY. ONE OF THE THINGS THAT I WOULD ASK
11 EVERYBODY IN THIS ROOM: WHEN YOU WANT TO GET SOMETHING SOLVED
12 IF YOU GO TO SOMEONE AND SAY, WELL, YOU DIDN'T DO THIS AND YOU
13 DIDN'T DO THAT AND WHY DIDN'T YOU AND YOU DIDN'T, YOU'RE NOT
14 GOING TO GET COOPERATION AS EASILY. BUT IF YOU GO IN AND SAY,
15 WE HAVE A PROBLEM. HOW CAN I HELP YOU SOLVE IT? WHAT WOULD MY
16 ROLE IN THIS WHOLE THING BE? I THINK WE'D GET A LOT MORE
17 COOPERATION. THANK YOU FOR LISTENING TO ME.

18 MS. BUITRAGO: THANK YOU. ELVIA HERNANDEZ?

19 MS. HERNANDEZ: MY NAME IS ELVIA HERNANDEZ, AND I'VE BEEN
20 LIVING IN ANAHEIM FOR 25 YEARS. AND FIVE YEARS AGO, I MOVED TO
21 SOUTH COUNTY. MY FAMILY HAS ALWAYS BEEN HARASSED BY THE
22 ANAHEIM POLICE. EVERY MEMBER OF MY FAMILY HAS BEEN BECAUSE OF
23 THE WAY THEY LOOK LABELED AS GANG MEMBERS ACCUSED OF CRIMES.
24 IT'S BEEN VERY HARD. I'M VERY FEARFUL EVEN NOW. I'M VERY
25 FEARFUL BECAUSE IT CONTINUES.

1 I WOULD LIKE TO SHARE AN INCIDENT THAT HAPPENED TO
2 MY GRANDDAUGHTER. SHE JUST GRADUATED LAST FRIDAY WITH HER
3 ASSOCIATES OF SCIENCE DEGREE FROM RANCHO SANTIAGO COLLEGE. IN
4 HIGH SCHOOL, ANAHEIM HIGH SCHOOL, SHE WAS AN HONOR ROLL
5 STUDENT. SHE LETTERED. SHE WAS IN GIRLS BASKETBALL, SOFTBALL,
6 DANCE PRODUCTION, STUDENT BODY; WAS IN THE PRINCESS -- PROM
7 PRINCESS FOR TWO YEARS IN A ROW.

8 SHE HAS BEEN -- ONE TIME SHE WAS AT A DITCHING
9 PARTY. EVERY KID DOES THINGS LIKE THAT. THE GANG TASK FORCE
10 CAME. THEY MADE HER SIT IN A PUDDLE OF WATER, AND THEN THEY
11 WANTED HER TO CONFESS THAT SHE WAS A GANG MEMBER. SHE WAS IN
12 TEARS. THEY WERE TRYING TO GET HER TO SAY WHAT GANG SHE
13 BELONGED TO. THEY TOOK HER PHOTOGRAPH AND SAID SHE WAS GOING
14 TO BE IN THE GANG -- AS A GANG MEMBER. THEY MADE HER RIDE IN
15 THE POLICE CAR FOR HALF AN HOUR WITH HER HEAD STUCK OUT THE
16 WINDOW. THEY TOLD HER IF SHE PUT HER HEAD INSIDE THE CAR SHE
17 WOULD BE ARRESTED; THAT SHE HAD TO KEEP HER HEAD OUTSIDE SO
18 THAT PEOPLE COULD SEE THAT SHE WAS A GANG MEMBER. THEY CRUISED
19 ALL OVER TOWN WITH HER. AND FINALLY THEY TOOK HER BACK AND
20 LEFT HER IN SCHOOL. NO ONE WAS EVER NOTIFIED OF THAT INCIDENT
21 UNTIL SHE LATER TOLD US THAT.

22 THE ANAHEIM POLICE GO OUT OF THEIR WAY TO TRY TO PIN
23 CRIMES ON CERTAIN PEOPLE AS THEY HAVE DONE TO MY FAMILY. THEY
24 EVEN NOW GO TO SOUTH COUNTY DURING THE DAY DRESSED IN CIVILIAN
25 CLOTHES, AND THEY STALK OUR FAMILY. THEY HAVE ACCUSED ANOTHER

1 MEMBER OF MY FAMILY OF TERRIBLE CRIMES LIKE CAR-JACKING,
2 ATTEMPTED MURDER, DRUG DEALING, RECEIVING AND -- HAVING AND
3 RECEIVING STOLEN GOODS. ALL THESE HAVE BEEN LIES.

4 THEY'VE INTERROGATED THAT MEMBER OF MY FAMILY; TOLD
5 HIM THAT HE HAS BEEN IDENTIFIED BY POLICE OFFICERS AS DOING
6 THESE CRIMES, AND A FEW HOURS LATER RELEASED HIM WITH NO
7 CHARGES. THEY'VE TAKEN CLOTHES, PHOTOGRAPHS, EVERYTHING THEY
8 CAN FROM THE APARTMENT AND KEPT THEM. UP TO NOW THEY HAVE NOT
9 BEEN RETURNED TO US -- THOSE ITEMS. I AM VERY FEARFUL THAT
10 THEY WILL PLANT THOSE ITEMS -- THOSE DIRTY CLOTHES THAT THEY
11 TOOK FROM THE LAUNDRY. I'M VERY AFRAID THAT THEY WILL PLACE
12 THEM AT THE SCENE OF A CRIME.

13 MS. BUITRAGO: CAN YOU PLEASE SUMMARIZE YOUR COMMENTS?

14 MS. HERNANDEZ: AND I'M HERE AS A CONCERNED PERSON. I AM
15 SUPPORTIVE OF UNITED NEIGHBORHOODS, AND I ALSO AM IN FAVOR OF
16 THE CITIZENS' REVIEW PANEL THAT WOULD LOOK INTO THESE CASES
17 BECAUSE WHO CAN YOU TURN TO WHEN THE PEOPLE THAT ARE THERE TO
18 PROTECT YOU ARE YOUR NUMBER ONE ENEMIES.

19 THANK YOU FOR LISTENING TO ME.

20 MS. BUITRAGO: THANK YOU. SELINDA LOPEZ?

21 MS. LOPEZ: HI. MY NAME IS SELINDA LOPEZ. I'M PART OF A
22 GROUP CALLED SANTA ANA COMMUNITY RITUALS. IT WAS A GROUP THAT
23 STARTED OUT OF LOS AMIGOS IN 1994. THEY WENT ON TO DO OTHER
24 PROJECTS. I THOUGHT WHAT THEY DID WAS SOMETHING THAT WAS VERY
25 WORTHY, SO I CONTINUED.

1 WE HAD 78 HOMICIDES IN 1994 IN SANTA ANA. WE HAD
2 APPROXIMATELY 75 HOMICIDES IN 1995 IN SANTA ANA, AND IN 1996 WE
3 HAD APPROXIMATELY 55 HOMICIDES. THERE SEEMS TO BE A BIG
4 PROBLEM THERE. AND PART OF THE PROBLEM, I THINK, IS, LIKE THEY
5 SAID, THE RIPPLE EFFECT.

6 YOU KNOW, WE'RE ALL HERE, AND WE'RE NOT HERE TO
7 DEFEND GANG MEMBERS. WE'RE HERE TO TALK ABOUT DON'T BE
8 ACCUSING SOMEONE WHO IS NOT A GANG MEMBER OF BEING ONE WHEN
9 THEY'RE NOT. SOME PEOPLE HAVE THAT MENTALITY THAT, OH, YOU
10 LOOK LIKE ONE, SO THEREFORE YOU ARE ONE. WE'RE NOT HERE TO
11 TALK ABOUT THAT. OF COURSE, WE WANT THE CRIMINALS TO BE CAUGHT
12 AND TO BE PROSECUTED; AND, OF COURSE, WE WANT JUSTICE,
13 ESPECIALLY IN OUR CITY OF SANTA ANA WHERE THE HOMICIDE RATE IS
14 SO HIGH. YOU KNOW, ONE PERSON KILLS ANOTHER, THEN THAT PERSON
15 KILLS ANOTHER AND ANOTHER AND ANOTHER.

16 SO WE DO NEED TO HAVE THE INVESTIGATORS DO THEIR
17 JOB. AND IF THEY CAN'T DO THEIR JOB, MAYBE THEY SHOULD GO WORK
18 SOMEWHERE ELSE, AND THEY SHOULD HIRE SOME NEW PEOPLE.

19 BESIDES THAT, THERE'S A LOT OF OTHER THINGS I WANT
20 TO TALK ABOUT, BUT I'LL JUST TOUCH ON THEM A LITTLE BIT.
21 ANOTHER PROBLEM THAT WE HAVE IS WITH THE NEWS MEDIA. EVERY
22 TIME THERE'S A HOMICIDE IN SANTA ANA, AS WELL AS OTHER MINORITY
23 CITIES, THERE'S JUST A LITTLE SMALL ARTICLE HIDDEN INSIDE THE
24 NEWSPAPERS. WITH THE PROBLEM THAT WE HAVE HERE IN ORANGE
25 COUNTY WITH HOMICIDES, YOU'D THINK THEY'D BE MAKING FRONT PAGE

1 EVERY SINGLE DAY SO THAT EVERYONE WOULD GET INVOLVED. BUT THEY
2 DON'T DO THAT. THEY JUST HIDE THE ARTICLES. THEY DON'T WANT
3 TO KNOW ABOUT HOW PEOPLE OF COLOR ARE GETTING IN AND HAVING
4 PROBLEMS.

5 I MEAN, IF THERE'S A PERSON WHO'S AN ANGLO PERSON
6 WHO GETS SHOT OR SOMETHING HAPPENS TO HIM, THEY'RE IN THE NEWS
7 FOR DAYS. THEY'RE ON THE FRONT PAGE. THEY GET THESE BIG
8 PICTURES. THEY GET ALL THIS MEDIA COVERAGE. BUT WHEN IT'S A
9 MINORITY, IT'S LIKE IT DOESN'T COUNT. AND IF YOU DON'T BELIEVE
10 ME, ALL YOU HAVE TO DO IS GO THROUGH THE ORANGE COUNTY REGISTER
11 NEWSPAPERS, AND YOU CAN SEE FOR YOURSELF.

12 ANOTHER THING I WANTED TO TALK ABOUT IS, YOU KNOW,
13 LAST YEAR -- I'M 38 YEARS OLD NOW. LAST YEAR I WAS 37. I WAS
14 AT MY SISTER'S HOUSE. THERE WAS A BIRTHDAY PARTY. AND ON MY
15 WAY HOME, I WAS PULLED OVER BY A POLICE. AND SUPPOSEDLY THEY
16 IDENTIFIED THEMSELVES AS GANG SPECIALISTS. AND I WAS HARASSED
17 BY THEM. THEY HAD ME, LIKE, FOR HALF AN HOUR QUESTIONING ME
18 TRYING TO MAKE ME ADMIT THAT I WAS A GANG MEMBER AND THAT I
19 KNEW PEOPLE WHO WERE GANG MEMBERS AND THAT I WAS GANG-RELATED
20 OR GANG-AFFILIATED. AND I WAS TELLING THEM, WHY ARE YOU DOING
21 THIS TO ME? WHAT'S GOING ON? I'M JUST A NORMAL PERSON. I'M A
22 HARD-WORKING, LAW-ABIDING PERSON.

23 WELL, HIS RESPONSE WAS THAT, WELL, SOMEBODY WROTE
24 GANG GRAFFITI ON YOUR CAR, AND YOU MUST KNOW WHO IT WAS BECAUSE
25 IT WAS WRITTEN ON THERE. I SAID, MY CAR WAS PARKED OUTSIDE.

1 ANYONE COULD HAVE WALKED BY AND DONE THAT. YOU KNOW, THIS IS
2 MY NEIGHBORHOOD. MY SISTER LIVES DOWN THE STREET FROM WHERE I
3 LIVE, SO ANYBODY COULD HAVE DONE THAT. BUT THEY WERE THERE
4 HARASSING ME FOR HALF AN HOUR THREATENING ME AND SCARING ME,
5 MAKING ME FEEL LIKE THEY WERE GOING TO TAKE ME IN IF I DIDN'T
6 ADMIT TO BEING A GANG MEMBER OR KNOWING GANG MEMBERS.

7 AND ANOTHER THING IS THAT I WOULD LIKE TO KNOW IF --
8 THERE'S KIDS ACROSS THE STREET THAT HAVE BEEN IN TROUBLE SINCE
9 THEY WERE KIDS, BUT THEY COME OVER TO MY HOUSE TO BORROW A
10 FLASHLIGHT OR TO BRING OVER THINGS, YOU KNOW, FOOD OR TO BORROW
11 THE VACUUM CLEANER AND STUFF. I'M WONDERING IF MAYBE JUST
12 BECAUSE THEY COME TO MY HOUSE IF THEY'VE TAKEN MY PICTURE AND
13 IF I'M IN THE FILE.

14 WHAT I WOULD LIKE TO SEE DONE IS THAT EVERYONE WHOSE
15 PICTURE HAS BEEN TAKEN AND IS IN A FILE IN ANY TYPE OF
16 GOVERNMENT AGENCY, THEY SHOULD BE NOTIFIED BY MAIL THAT THEY
17 HAVE THEIR PICTURES AND WHAT PURPOSE THEY'RE THERE FOR AND
18 WHATEVER. AND LIKE SOMEONE MENTIONED EARLIER, THAT WE HAVE THE
19 RIGHT TO GO TO COURT AND QUESTION THAT THEY HAVE NO RIGHT TO
20 HAVE OUR PICTURE BECAUSE THEY HAVE NO REASON. BUT WE SHOULD BE
21 NOTIFIED BY MAIL, YOU KNOW, BECAUSE OF THIS, OR WE SHOULD BE
22 TOLD; BUT WE NEED SOME TYPE OF FORMAL NOTIFICATION.

23 MS. BUITRAGO: PLEASE SUMMARIZE YOUR COMMENTS, MS. LOPEZ.

24 MS. LOPEZ: OKAY. I THINK THAT A LOT OF MONEY IS PUT INTO
25 PROGRAMS LIKE TARGET THAT WANT TO PUT PEOPLE IN JAIL. TO ME,

1 THAT IS STUPID, AND THAT'S THE WORST THING TO GO DO. THEY
2 SHOULD BE PUTTING MONEY INTO GANG PREVENTIONS OR VIOLENCE
3 PREVENTION PROGRAMS NOT INTO PROGRAMS THAT PUT PEOPLE IN JAIL.
4 THEY'RE JUST MAKING BIGGER GANGS IN THERE. THEY'RE MAKING THE
5 MEXICAN GANGS, THE CHICANO GANGS, THE BLACK GANGS. THEY'RE
6 JUST FORMING MORE GANGS. THEY SHOULD USE MONEY TO DETER GANGS
7 NOT MAKE MORE GANGS. AND THE MEXICAN MAFIA IS AN EXAMPLE OF
8 THAT.

9 MS. BUITRAGO: THANK YOU. THANK YOU VERY MUCH. WE HAVE
10 THREE MORE SPEAKERS, AND THAT'S IRMA OCHOA AND QUYNH-TRAM
11 NGUYEN AND MR. RIOS.

12 MR. MAC DONALD: I'M ON THE AGENDA.

13 MS. BUITRAGO: WHAT IS YOUR NAME?

14 MR. MAC DONALD: MAC DONALD.

15 MS. BUITRAGO: OH, YOU KNOW, THAT WAS AT THE BEGINNING,
16 BUT GO AHEAD AND SIT DOWN.

17 MR. MAC DONALD: THANK YOU.

18 MS. BUITRAGO: I'M GOING TO START WITH IRMA OCHOA.

19 MS. OCHOA: I'D LIKE TO THANK THE BOARD FOR HAVING ME, FOR
20 ALLOWING ME TO SPEAK. MY NAME IS IRMA OCHOA, AND I AM THE
21 MOTHER OF A CHILD -- HE WAS A YOUNG MAN THAT WAS SHOT AND
22 KILLED BY POLICE IN RIVERSIDE. I'M HAVING A HARD TIME. I
23 WOULD LIKE TO SEE THE COMMISSION BOARD COME HERE BECAUSE THIS
24 IS NOT AN ISOLATED CASE HERE IN ORANGE COUNTY. IT'S
25 EVERYWHERE.

1 AND WHAT I HEARD PEOPLE SPEAK TODAY ABOUT TARGETED
2 AREA -- TARGET AREAS, YOU KNOW, CHILDREN ARE GROWING UP AND THE
3 POLICE ARE STOPPING THEM FOR NO REASON AT ALL JUST BECAUSE
4 THEY'RE IN A TARGET AREA.

5 MY SON HAPPENED TO BE IN A TARGET AREA. HE WAS ON
6 HIS WAY HOME. HE WAS 32 YEARS OLD, BUT HE HAD EPILEPSY. HE
7 WAS A LITTLE IMMATURE FOR HIS AGE. HE COULD HAVE BEEN MISTAKEN
8 FOR A YOUNG TEENAGER. HIS SKIN WAS BROWN. HE COULD HAVE BEEN
9 MISTAKEN FOR A GANG MEMBER, WHICH HE WASN'T. HE WAS NOT
10 GANG-AFFILIATED. HE HAD BEEN IN A REHAB PROGRAM AND WAS ON HIS
11 WAY HOME. EARLIER THAT DAY, HE HAD BEEN PICKED UP, I GUESS,
12 FOR LOITERING AND TAKEN INTO RIVERSIDE BY PERRIS POLICE -- BY
13 PERRIS SHERIFFS AND LATER RELEASED IN RIVERSIDE.

14 HE WAS TRYING TO GET BACK HOME. I BELIEVE HE WAS
15 TRYING TO PROBABLY EVEN TRY TO GO BACK TO THE REHAB WHERE HE
16 HAD BEEN. HE HAD CALLED ME AT 5 O'CLOCK IN THE AFTERNOON AFTER
17 I GOT HOME FROM WORK, AND I ASKED HIM IF HE WANTED ME TO PICK
18 HIM UP. HE SAID, NO. HE WAS GOING TO WAIT FOR A FRIEND TO
19 PICK HIM UP TO TAKE HIM BACK TO THE RANCH. AND THAT FRIEND
20 WOULD NOT GET THERE UNTIL 8:30. HE CALLED ME A COUPLE MORE
21 TIMES. THE LAST TIME HE HAD CALLED ME WAS 6:30, AND THAT'S
22 WHEN HE FOUND OUT THAT THE FRIEND THAT HE WAS WAITING FOR TO
23 PICK HIM UP AND TAKE HIM BACK INTO PERRIS WOULD NOT ARRIVE HOME
24 UNTIL 8:30 THAT EVENING.

25 I OFFERED AGAIN TO PICK HIM UP, AND HE SAID, "NO,

1 I'LL JUST WAIT FOR DAVE." SO HE WAITED. AT 7:15 HE CALLED ME
2 AGAIN, AND HE SAID, MOM, COME PICK ME UP. HE SAID, I AM
3 AFRAID. HE SAID, COME AND GET ME. AND I SAID, I'M ON MY WAY.
4 THIS WAS AT 7:15. MY HUSBAND AND I LEFT IMMEDIATELY. I LIVE
5 IN HACIENDA HEIGHTS. IT WOULD TAKE 45 MINUTES TO GET THERE.
6 BY THE TIME I GOT THERE -- WE GOT THERE ABOUT 8 O'CLOCK. HE
7 HAD ALREADY BEEN SHOT AND LEFT TO DIE. HE WAS LEFT TO BLEED TO
8 DEATH BECAUSE IT TOOK THEM A LONG TIME.

9 WE WERE THERE. WE SAW HOW LONG IT TOOK FOR
10 PARAMEDICS AND AMBULANCE TO TAKE HIM INTO THE HOSPITAL, WHICH
11 WAS ONLY TWO BLOCKS AWAY. THEY DIDN'T ALLOW ME TO SEE HIM.
12 THEY DIDN'T ALLOW US TO -- I KNEW HE WAS ALIVE BECAUSE I
13 ASKED. AND HE WAS STILL BREATHING. THEY GAVE US NO
14 OPPORTUNITY TO SEE HIM. HE NEVER KNEW THAT WE WERE ON OUR WAY;
15 THAT WE HAD ARRIVED. WE NEVER GOT TO SEE HIM.

16 THEY TOOK MONTHS BEFORE THEY GAVE US ANY KIND OF
17 INFORMATION. WE HAD TO ASK A FAVOR OF AN ATTORNEY TO SEND WITH
18 HIS LETTERHEAD TO GET THE POLICE REPORT. THEY DID NOT GIVE US
19 THE POLICE REPORT UNTIL THEIR INTERNAL INVESTIGATIONS --
20 SO-CALLED -- WAS CLEARED. THOSE POLICEMEN ARE STILL WORKING.
21 I KNOW THAT HE WAS FALSELY ACCUSED. THEY SAID THAT HE HAD
22 CHARGED AT THEM WITH A KNIFE. AND SO THAT THEY DIDN'T HAVE
23 TIME TO USE A TASER GUN. THE NEWSPAPER CLIPPINGS SAID THAT HE
24 HAD BEEN SLEEPING -- I MYSELF TOLD HIM, WHY DON'T YOU SLEEP.
25 TWO HOURS IS A LONG TIME TO WAIT FOR DAVE.

1 AND I WAS AFRAID BECAUSE HE HAD TOLD ME IT IS A VERY
2 BAD AREA. THIS AREA IS TWO BLOCKS AWAY FROM THE POLICE
3 DEPARTMENT, THE DETENTION CENTER IN RIVERSIDE. AND IT'S
4 FREQUENTED BY DRUG PUSHERS, BY PROSTITUTION, BY PEOPLE THAT
5 HAVE JUST BEEN RELEASED FROM JAIL.

6 SO THERE ARE WITNESSES, BUT ALL THESE WITNESSES ARE
7 AFRAID TO SPEAK UP BECAUSE EITHER THEY HAVE -- THEY ARE VERY
8 INTIMIDATED. THEY ARE EYEWITNESSES. AND SHE REFUSED TO TALK.
9 SHE'S AFRAID FOR HER OWN FAMILY AND WILL NOT TALK. SO WE HAVE
10 NOT BEEN ABLE TO GET HELP FOR THIS. SO I -- YOU KNOW, THIS HAS
11 GOT TO BE STOPPED. THERE HAS TO BE AN END TO THIS ABUSE AND
12 THIS BRUTALITY. THANK YOU.

13 MS. BUITRAGO: THANK YOU, MS. OCHOA. I'M GOING TO MOVE ON
14 TO QUYNH-TRAM NGUYEN.

15 MS. NGUYEN: THANK YOU. THANK YOU FOR YOUR PATIENCE. MY
16 NAME IS QUYNH-TRAM NGUYEN, AND I'M ALSO A SOPHOMORE STUDENT
17 RIGHT NOW.

18 I ESCAPED MY BOAT IN 1985. I CAME TO THIS COUNTRY
19 ALONE. ON BEHALF OF ALL VIETNAMESE, I'M COFOUNDER OF A LIFE IS
20 WORKING FOR INDIGENT FAMILIES. I CONTACT THEM, BUT JUST
21 BECAUSE I'M COMMUNITY ACTIVIST I WENT TO JAIL. I MET THE LAW
22 ABUSE, AND IT'S AMAZING TO ME THAT TODAY, FIRST, I CAN SPEAK.
23 SINCE THIS MORNING UNTIL NOW, I RARELY SEE ANY ASIAN COMMUNITY
24 MEMBERS COME AND SPEAK ABOUT THE TRUTH. THIS IS THE FIRST TIME
25 I THINK THAT REALLY, YOU KNOW, I HAVE THAT CHANCE.

1 A LOT OF REASONS WHY THE COMMUNITY NEVER COME TO YOU
2 AND SPEAK IS -- I'M A VIETNAMESE, AND I LEARNED -- EVEN I
3 LEARNED ENGLISH IN MY COUNTRY, I CAN NEVER SPEAK, BECAUSE THEY
4 DON'T LET ME SPEAK. I NEVER LEARNED DEMOCRACY IN MY COUNTRY IN
5 VIETNAM. I LEARNED IT FROM HERE. BUT MY COMMUNITY MEMBERS
6 DON'T COME AND TALK BECAUSE THEY FEEL THEY HAVE BEEN HURT.
7 THEY FEEL AUTHORITY. THAT'S THEIR PAST EXPERIENCE IN VIETNAM.
8 THE WAY THEY DO IT IS THE ONE WHO HAS POWER TORTURED THEM.

9 THEY ALSO LOST TRUST IN THE POLICE BECAUSE DUE TO
10 THE RIGHTFUL INDIRECT CONTACT, EITHER DIRECT CONTACT OR
11 OVERHEARD ABOUT THE CONTACT ALL THE MEMBERS HAVE FEAR OF THE
12 POLICE, SO THEY DON'T WANT TO SPEAK TO THE POLICE. THEY DON'T
13 WANT TO COME TO THE POLICE AND DO A COMPLAINT, AND ALSO BECAUSE
14 OF IGNORANCE.

15 IGNORANCE COMES FROM THE LANGUAGE BARRIER. IF YOU
16 CANNOT SPEAK THE LANGUAGE, HOW CAN YOU COME AND TALK TO
17 ANYONE? NO ONE WILL HEAR YOU. YOU JUST TALK AND NOBODY
18 LISTENS TO YOU. THEY LOOK AT YOU WITH LABELS. THAT'S WHY WE
19 LACK THE KNOWLEDGE, BECAUSE WE DON'T HAVE THE LANGUAGE.

20 THE COUNTERBALANCE OF POWER OCCURS WHEN PEOPLE DON'T
21 KNOW THEIR RIGHTS. AND IF WE EDUCATE THE YOUTH TO KNOW THEIR
22 RIGHTS, DOESN'T MEAN THAT THEY CAN EXERCISE THEIR RIGHTS.
23 NOBODY WITNESSES WHEN THE POLICE STOPS THE YOUTH ON THE
24 STREET. IF THE POLICE REALLY, YOU KNOW, FILL OUT A CARD, HOW
25 DO WE KNOW THAT THE TRUTH COMES FROM, LIKE, THE TIME THE YOUTH

1 IS DETAINED UNTIL THE TIME THE CARD IS PRESENTED? WE DON'T
2 KNOW. NOBODY WITNESSED IT.

3 MY RECOMMENDATION WHEN YOU REALLY TAKE A LOOK AT
4 THIS AND WANT TO DO THE CIVILIAN REVIEW BOARD, I THINK WE NEED
5 TO HAVE YOUTH REPRESENTATIVES. NOBODY HEARD THE YOUTH. NOBODY
6 REALLY WANTED TO HEAR FROM THE YOUTH. WHAT HAPPENED TO THEM?
7 DO THEY ONLY DON'T SPEAK LIKE ALL THE PEOPLE SAY? I JUST THINK
8 THAT'S NOT FAIR TO THE YOUTH.

9 AND ALSO THE BOARD MEMBERS SHOULD COME -- NOT JUST
10 COME FROM PEOPLE WITH STATUS IN THE COMMUNITY. I KNOW A LOT
11 NONPROFIT COMMUNITY LEADERS WHO DON'T REALLY CARE ABOUT
12 COMMUNITY MEMBER OR THE GRASSROOT PEOPLE AT ALL. THEY CARE FOR
13 THEIR OWN PERSONAL INTEREST. SO THE GRASSROOT GROUP HAS TO
14 COME UP AND TO BECOME A MEMBER OF THE BOARD.

15 AND WHEN THE POLICE COME -- ANYTIME WHEN THE POLICE
16 INTERACTS WITH THE YOUTH, THERE SHOULD BE A WITNESS. THEY HAVE
17 TO ASK SOME ADULT ON THE STREET THEY SAW TO COME OVER AND
18 WITNESS THE INTERACTION BETWEEN POLICE AND YOUTH. I THINK
19 THAT'S MORE OBJECTIVE. THANK YOU VERY MUCH.

20 MS. BUITRAGO: THANK YOU. MR. RIOS?

21 MR. RIOS: MY NAME IS GOMERCINDO RIOS, AND I'VE BEEN A
22 VICTIM OF THIS PROGRAM THAT THEY HAVE. THERE WAS A WARRANT
23 MADE OUT FOR SEARCH TO MY HOUSE. THE SEARCH WARRANT SAID THAT
24 IT WAS A HERE-IN INTO OR INTO THIS. AND THEY WENT IN, AND THEY
25 TORE MY MOM'S HOUSE; TORE IT UPSIDE DOWN.

1 TWO DAYS PRIOR TO THAT, THEY CAME IN LOOKING FOR MY
2 BROTHER. MY BROTHER HAS BEEN DECEASED FOR THREE YEARS. HE WAS
3 A KNOWN GANG MEMBER. THEY CAME LOOKING FOR HIM KNOWING THAT HE
4 WAS DEAD. IN TWO DAYS, THEY COME AND THEY SERVED A WARRANT ON
5 MY HOUSE.

6 I AM A SMALL BUSINESS OWNER. I HAVE A SILK SCREEN
7 AND PRINT SHIRTS. THEY CAME, AND THEY TOOK SCREENS FROM MY
8 HOUSE. THEY SAID THEY HAD GANG-AFFILIATED PATTERNS ON THEM. I
9 TOOK THEM. YOU KNOW, I HAVE THAT RIGHT TO PRINT WHATEVER I
10 WANT TO PRINT, AND THEY HAVE ME AS A GANG MEMBER. I'VE NEVER
11 BEEN A GANG MEMBER OR WHAT THEY CALL ASSOCIATE. THEY HAVE ME
12 LABELED LIKE THIS. THEY TOLD MY MOTHER THAT THEY WOULD COME TO
13 MY HOUSE WHEN ANYTHING HAPPENS, AND I DON'T THINK THAT'S RIGHT,
14 YOU KNOW.

15 THERE'S OTHER PEOPLE IN OUR COMMUNITY WHERE THEY'VE
16 DONE THE SAME THING THEY DO WITH THIS CARTER PROGRAM. THEY
17 WENT TO HER HOUSE. BOTH HER SONS ARE IN JAIL RIGHT NOW, AND
18 THEY WENT TO HER HOUSE AND LITERALLY DESTROYED THE WHOLE HOUSE,
19 BROKE DOWN THE DOOR; AND BOTH OF HER SONS ARE IN JAIL. AND THE
20 WARRANT WAS FOR THEM. KNOWING THAT THEY WERE IN JAIL, THEY
21 STILL WENT INTO HER HOUSE TELLING HER THAT SHE KNOWS WHAT'S
22 GOING ON AND THAT SHE'S A GANG MEMBER. THIS LADY IS LIKE 40
23 SOME YEARS OLD, YOU KNOW. ALL SHE DOES IS TAKE CARE OF HER
24 LITTLE KIDS. AND THAT'S WRONG. AND IT'S ALL THE SANTA ANA
25 POLICE DEPARTMENT THAT'S DOING IT. AND THAT'S WHAT I WANT TO

1 SAY.

2 MS. BUITRAGO: THANK YOU VERY MUCH, MR. RIOS.

3 MR. MAC DONALD?

4 MR. MAC DONALD: THANK YOU. MY NAME IS BRUCE MAC DONALD.
5 I'M HOMELESS IN THE FAIR CITY OF COSTA MESA AND HAVE BEEN FOR
6 17 MONTHS BY THE DIRECT ACTION OF THE COSTA MESA POLICE
7 DEPARTMENT. THIS IS NOT THE FORM TO RECITE ALL THIS TO THE
8 NEEDS OF THE HOMELESS. THE ONLY NEED OF THE HOMELESS I CARE
9 ABOUT, THE ONLY NEED THAT IS ALSO A RIGHT, THE ONLY NEED THAT
10 THIS COMMISSION AND THE COUNTRY NEEDS TO CARE ABOUT AND CONCERN
11 ITSELF WITH IS EQUAL TREATMENT BEFORE THE LAW AND THAT INCLUDES
12 DUE PROCESS.

13 BECAUSE THE LAW -- THE CONTROL LAW OF THE LAND
14 GOVERNING WHAT THE STATE MAY DO TO MAN IS THE BILL OF RIGHTS,
15 OR IS IT? IF IT IS NOT, THEN PERHAPS THAT'S THE SOURCE OF ALL
16 OUR TROUBLES. AND IF EQUALITY BEFORE THE LAW IS NOT THE SINGLE
17 MOST IMPORTANT FORM OF EQUALITY, THEN ALL OF THE OTHER DEMANDS
18 OF EQUALITY ARE A SHAM OR A SWINDLE OR A SIGN OF A SORRY
19 EAGLE. THEY MAY BE ANY, HOWEVER, THAT'S NOT MY POINT.

20 EQUALITY BEFORE THE LAW INCLUDING DUE PROCESS IS MY
21 POINT. EQUALITY BEFORE THE LAW IS NOT EXPLICIT IN THE BILL OF
22 RIGHTS, THE BODY OF THE CONSTITUTION, OR THE DECLARATION OF
23 INDEPENDENCE, THOUGH IT'S IMPLIED IN SEVERAL OF THESE. IT'S A
24 GUARANTEE MOST OF US TAKE FOR GRANTED OR ON INFERENCE. I
25 ASSUMED IT. ARE WE LIVING IN A FOOL'S PARADISE? IT IS CARVED

1 IN STONE IN THE FORM OF THE BLINDFOLD ON SHE WHO HOLDS THE
2 SCALE OF JUSTICE.

3 I'VE RECENTLY LEARNED THAT THE BILL OF RIGHTS IS NOT
4 WHAT IT USED TO BE. THE DUE PROCESS CLAUSE OF THE 5TH
5 AMENDMENT ONLY PROTECTS THE PERSON AGAINST ACTIONS OF THE
6 FEDERAL GOVERNMENT. THAT IS BIZARRE, BUT I'VE LEARNED THAT IN
7 COURT. I'M CURRENTLY CONDUCTING A TITLE 42 AGAINST THE CITY OF
8 COSTA MESA. I'LL GET TO THAT IN A MINUTE. I'M GETTING AHEAD
9 OF MYSELF.

10 CRUEL AND UNUSUAL PUNISHMENT APPLIED BY THE POLICE
11 IS NOT PROTECTED BY THE BILL OF RIGHTS OR PREVENTED BY THE BILL
12 OF RIGHTS, BEFORE IT HAPPENS, BEFORE CONVICTION, IF ANY. SO
13 THERE'S TWO OF THE BILL OF RIGHTS GONE.

14 THOMAS JEFFERSON SAID, A BILL OF RIGHTS IS WHAT THE
15 PEOPLE ARE ENTITLED TO AGAINST EVERY GOVERNMENT ON EARTH
16 GENERAL OR PARTICULAR AND WHAT NO JUST GOVERNMENT SHOULD REFUSE
17 OR REST ON INFERENCE. ANOTHER ONE: WHEN ALL THIS TURNS TO BE
18 SELF-EVIDENT; THAT ALL MEN ARE CREATED EQUAL; THAT THEY'RE KEPT
19 BY THE CREATOR OF CERTAIN UNALIENABLE RIGHTS --

20 MS. COURT REPORTER: COULD YOU HOLD ON FOR A MINUTE?

21 MR. MAC DONALD: I THOUGHT YOU KNEW THIS ONE. IT'S PRETTY
22 FAMOUS. -- THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES
23 DESTRUCTIVE OF LIFE, LIBERTY, AND PURSUIT OF HAPPINESS, IT IS
24 THE RIGHT OF THE PEOPLE TO ALTER OR TO ABOLISH IT.

25 THE FEDERAL CHARTER I'M HOPING TO ALTER WITH AN

1 AMENDMENT MAKING THE GUARANTEE OF DUE PROCESS UNIVERSAL. THE
2 CORPORATION OF THE GOVERNMENT, CITY OF THE COSTA MESA, I'M
3 SUING TO ABOLISH IN FEDERAL DISTRICT COURT. AS I SAY, THE CITY
4 OF COSTA MESA MADE ME HOMELESS. I'LL TELL YOU MORE ABOUT IT IN
5 A MINUTE. FIRST, I'M GOING TO TELL YOU A COUPLE OF THINGS
6 ABOUT THE CONDITION --

7 MS. BUITRAGO: YOU PROBABLY HAVE JUST ABOUT A MINUTE.

8 MR. MAC DONALD: .WELL, I'M ON PAGE 3. I'M GOING TO TAKE A
9 COUPLE MORE BECAUSE IT GETS REALLY HEINOUS.

10 MS. BUITRAGO: HOW ARE WE DOING IN TIME, ART?

11 MR. MAC DONALD: IS THERE A LINEUP OF PEOPLE?

12 MS. BUITRAGO: WE'RE GOING TO GIVE YOU TWO MINUTES.

13 MR. MAC DONALD: ON NOVEMBER 18, 1995, AT 2:30 IN THE
14 A.M., I WAS SUDDENLY AND DELIBERATELY ATTACKED BY ARMED AND
15 MECHANIZED FORCES OF THE CITY OF COSTA MESA FOR THE INFRACTION
16 OF SLEEPING IN MY VEHICLE, WHICH I CALL MY MOTOR HOME BUT WAS A
17 BIG, OLD, UGLY, STEP VAN. I WAS TAKEN TO JAIL FOR 46 HOURS.
18 MY STEP VAN WAS IMPOUNDED; AND MY MOTORCYCLE, WHICH WAS PARKED
19 BESIDE THE VAN, WAS LEFT TO BE STOLEN. AND IT WAS STOLEN.

20 THE CHARGE AGAINST ME WAS LATER DISMISSED IN COURT,
21 BUT THAT HAD NO BEARING ON IT BECAUSE ALL THE DAMAGE WAS
22 ALREADY DONE AND DISMISSING THE CHARGE JUST PREVENTED ME FROM A
23 COUNTERSUIT. IT LOOKS LIKE I'M GOING TO HAVE TO JUMP TO THE
24 END.

25 IT'S A QUESTION OF JUSTICE OR REVENGE. THERE'S NO

1 FORGIVENESS FOR EVIL. YOU'VE HURRIED ME. I COULD HAVE TOLD A
2 LOT OF OTHER STUFF, BUT THE ONLY THING LEFT IS DIRECT POLITICAL
3 ACTION. IF THE OUTRAGE CAN BE REDEEMED -- CAN BE REMEDIED AND
4 YOU HAVE ALLIES AND ORGANIZATION, DIRECT POLITICAL ACTION CAN
5 BE AS ELEGANT AND AS EFFECTIVE AS THAT TAKEN BY ROSA PARKS.
6 BUT WHEN THE DAMAGE HAS BEEN DONE AND OFFICIALLY RATIFIED AND
7 THE REMEDY DENIED AND YOU HAVE NO HELP, IT CAN BE AS CRUDE AND
8 COUNTERPRODUCTIVE AS THAT ALLEGEDLY PERFORMED BY MR. TIMOTHY
9 MC VEIGN. YOU'LL APPRECIATE MY CASE MORE CLOSELY RESEMBLES THE
10 LATTER SET OF CONDITIONS. YOU WON'T BECAUSE I SKIPPED THREE
11 PAGES WHICH TOLD YOU HOW DENIAL OF DUE PROCESS HAS GONE RAMPANT
12 THROUGHOUT THIS CASE.

13 FALSE ADMIT -- OH, A PARITY OF ADMINISTRATIVE CLAIMS
14 PROCEDURE WITH THE CITY TRYING TO BLOW MY CASE OUT OF THE
15 COURT. I'M IN A FEDERAL COURT WITHOUT A LAWYER. MY CASE TITLE
16 42 HAS SURVIVED AND GOTTEN STRONGER.

17 TWO MOTIONS DID DISMISS --

18 MS. BUITRAGO: MR. MAC DONALD, THANK YOU VERY MUCH. YOUR
19 TWO MINUTES ARE UP AND THANK YOU VERY MUCH. I APOLOGIZE AGAIN
20 FOR THE SHORTNESS OF TIME.

21 MR. MAC DONALD: MY OTHER CAR IS A RYDER TRUCK.

22 MS. BUITRAGO: THANK YOU VERY MUCH. I NEED TO CONCLUDE --
23 I'M GOING TO BE CONCLUDING. THIS CONCLUDES THE CALIFORNIA
24 ADVISORY COMMITTEE'S FACT-FINDING FORUM ON LAW ENFORCEMENT
25 AGENCIES' CONDUCT TOWARDS MINORITY YOUTH. THE RECORD FOR THIS

1 MEETING WILL REMAIN OPEN FOR A PERIOD OF 30 DAYS FOLLOWING THIS
2 MEETING AND ANY ADDITIONAL DAY THAT CAN BE SUBMITTED TO THE
3 COMMISSION'S WESTERN REGIONAL OFFICE IN LOS ANGELES.

4 WE THANK ALL OF YOU, ESPECIALLY THE PEOPLE WHO HAVE
5 BEEN HERE SINCE THE MORNING AND WAITED FOR THEIR OPPORTUNITY TO
6 SPEAK THIS AFTERNOON FOR PARTICIPATING IN THIS FACT-FINDING
7 HEARING. THANK YOU VERY MUCH. AND THE MEETING IS ADJOURNED.

8 (WHEREUPON THE PROCEEDINGS CONCLUDED AT 5:30 P.M.)

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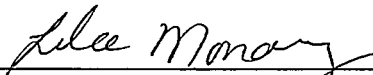
C E R T I F I C A T E

I, LILIA MONARREZ, CALIFORNIA CSR NO. 10637, DO HEREBY
CERTIFY THAT THE FOREGOING IS A FULL, TRUE AND CORRECT
TRANSCRIPT OF MY SAID NOTES AND A FULL, TRUE AND CORRECT
STATEMENT OF SAID TESTIMONY TO THE BEST OF MY ABILITY.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENTS
OF THE ACTION.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED AT BELLFLOWER, CALIFORNIA,
THIS 7TH DAY OF JUNE, 1997.



LILIA MONARREZ, CSR 10637, RPR