

1 ARIZONA ADVISORY COMMITTEE TO THE
2 U.S. COMMISSION ON CIVIL RIGHTS

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6 TRANSCRIPT OF PROCEEDINGS had at the meeting of the
7 Arizona Advisory Committee to the U.S. Commission on Civil
8 Rights, held at the Radisson Woodlands Hotel, Kaibab Room,
9 1175 West Route 66, Flagstaff, Arizona on the 31st day of
10 August, A.D., 2000, at 8:10 a.m.
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14 BEFORE:

15 MS. JUNE WEBB-VIGNERY, Chairperson;

16 MR. JONES OSBORN, Member;

17 MR. RAMON M. PAZ, Member;

18 MS. ANGELA B. JULIEN, Member;

19 MR. PAUL J. GATTONE, Member;

20 MS. MELANIE WORKER, Member.
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1 CHAIRPERSON WEBB-VIGNERY: Good morning. This meeting of
2 the Arizona Advisory Committee to the United States Commission
3 on Civil Rights will now come to order. I want to thank
4 everyone for coming out this morning. I am June
5 Webb-Vignery, chairperson of the Arizona Advisory Committee to
6 the U.S. Commission on Civil Rights. And the U.S. Commission
7 on Civil Rights is an independent bipartisan fact-finding
8 agency first established under the Civil Rights Act of 1957.

9 The Commission on Civil Rights is an
10 independent agency of the United States Government established
11 by Congress in 1957 and directed to do the following:

12 Number one, investigate complaints alleging that
13 citizens are being deprived of their right to vote by reason
14 of their race, color, religion, sex, age, handicap or national
15 origin or by reason of fraudulent practices.

16 Number two, study and collect information concerning
17 legal developments constituting discrimination or denial of
18 equal protection of the laws under the constitution because of
19 race, color, religion, sex, age, handicap or national origin
20 or in the administration of justice.

21 Number three, appraise federal laws and policies
22 with respect to discrimination or denial of equal protection
23 of the laws.

24 Number four, serve as a national clearinghouse for
25 information about discrimination.

1 And Number 5, submit reports, findings and
2 recommendations to the president and congress.

3 Advisory committees were established in each state
4 and the District of Columbia in accordance with enabling
5 legislation and the Federal Advisory Committee Act to advise
6 the Commission on matters pertaining to discrimination or
7 denials of equal protection of the laws because of race,
8 color, religion, sex, national origin, age, handicap or in the
9 administration of justice, and to aid the Commission in its
10 statutory obligation to serve as a national clearinghouse for
11 information on those subjects.

12 Commission regulations call for each advisory
13 committee to number one, advise the Commission in writing of
14 any information they have respecting any alleged deprivation
15 of citizens' right to vote and to have the vote counted by
16 reason of color, race, religion, sex, national origin, age or
17 a disability, or that citizens are being accorded or denied
18 the right to vote in federal elections as a result of patterns
19 or practices of fraud or discrimination.

20 Number two, advise the Commission concerning legal
21 developments constituting discriminating or denial of equal
22 protection of the laws under the constitution because of race,
23 color, religion, sex, national origin, age or disability or in
24 the administration of justice, and as to the effect of the
25 laws and policies of the federal government with respect to

1 equal protection of the laws.

2 Number three, advise the Commission upon matters of
3 mutual concern in the preparation of reports of the Commission
4 to the President and the Congress.

5 Number four, receive reports, suggestions and
6 recommendations from individuals, public and private
7 organizations and public officials about matters pertinent to
8 inquiries conducted by the state advisory committee.

9 Number five, initiate and forward advice and
10 recommendations to the Commission about matters that the
11 advisory committee has studied.

12 And Number six, assist the Commission in the
13 exercise of its clearinghouse function.

14 The purpose of the meeting today is to obtain
15 information and public comment on the education of minority
16 children in Arizona and the impact of law enforcement on
17 minorities.

18 According to the Arizona Department of Education,
19 minority students in grades 7 through 12 have a higher drop
20 out rate than majority students. Minority students score
21 lower on standardized tests and low numbers of them enter
22 and/or complete college.

23 Among those invited to address the Arizona Advisory
24 Committee today are Arizona educators, community activists as
25 well as members of the law enforcement community and

1 representatives of advocacy groups.

2 Based upon the information collected at this
3 meeting, a summary report will be prepared for the United
4 States Commission on Civil Rights.

5 Other members of the Arizona Advisory Committee in
6 attendance during this meeting today, and I would like to have
7 them introduce themselves starting to my left.

8 MR. GATTONE: Paul Gattone. I'm from Tucson.

9 MS. JULIEN: Angela Julien, Tucson.

10 MR. PAZ: Ramon Paz, Tucson.

11 MR. OSBORN: Jones Osborn from Yuma.

12 CHAIRPERSON WEBB-VIGNERY: Thank you. Also with us are
13 Arthur Palacios, civil rights analysts with the Commission's
14 western regional office in Los Angeles, as well as Angelica
15 Trevino, administrative assistant.

16 This fact-finding meeting is being held pursuant to
17 federal rules applicable to state advisory committees and
18 regulations promulgated by the U.S. Commission on Civil
19 Rights. All inquires should be directed to the Commission
20 staff.

21 I would like to emphasize that this is a
22 fact-finding meeting and not an adversarial proceeding.
23 Individuals have been invited to come and share with the
24 committee information relevant to the subject of today's
25 inquiry. Each person who will participate has voluntarily

1 agreed to meet with the committee.

2 Since this is a public meeting, the press, and radio
3 and television stations as well as individuals are welcome.
4 Persons meeting with the committee, however, may specifically
5 request that they not be televised. In this case, we will
6 comply with their wishes.

7 We are concerned that no defamatory material be
8 presented at this meeting. In the unlikely event that this
9 situation should develop, it will be necessary for me to call
10 this to the attention of the persons making these statements
11 and request that they desist in their action. Such
12 information will be stricken from the record if necessary.

13 Every effort has been made to invite persons who are
14 knowledgeable in the area to be dealt with here today. In
15 addition, we have allocated time at 3:30 p.m. to hear from
16 anyone who wishes to share information with the committee
17 about the specific issues under consideration today. At that
18 time, each person or organization will be afforded a brief
19 opportunity to address the committee and may submit additional
20 information in writing. Those wishing to participate in the
21 open session must contact Commission staff, and that will be
22 Mr. Palacios, before 3:30 p.m. this afternoon.

23 In addition, the record of this meeting will remain
24 open for a period of 30 days following its conclusion. The
25 committee welcomes additional written statements and exhibits

1 for inclusion in the record. These should be submitted to the
2 Western Regional Division, United States Commission on Civil
3 Rights, 3660 Wilshire Boulevard, Suite 810, Los Angeles
4 California 90010.

5 Thank you for joining us this morning, and let us
6 proceed; and I would like to ask each person who is testifying
7 to give their name and who they represent and their address
8 for the record.

9 CHIEF McCANN: Good morning. I'm J. T. McCann. I'm
10 police chief of the Flagstaff Police Department at 120 North
11 Beaver Street, Flagstaff, Arizona.

12 I wasn't exactly sure what you wanted to hear this
13 morning. The issue is police minority relations. I can give
14 you an overview of my experience with that in Flagstaff.

15 I started on the Flagstaff Police Department in
16 1969. I came to Flagstaff in 1961. When I first came to
17 Flagstaff to go to college in '61, the same as most of my
18 staff has done, the native Americans were pretty prominent on
19 the local scene. They were pretty visible. At that time
20 there were fewer other people, and Flagstaff was kind of a
21 cultural center or a commercial center for Arizona.

22 During that time there was somewhat of an attitude
23 toward native Americans. There was a subculture that commonly
24 it was formed around selling alcohol to native Americans.
25 There were abuses during that time. All reservation cities or

1 adjacent to reservation cities in northern Arizona seemed to
2 have an economy that primarily functioned to sell alcohol to
3 native Americans in addition to other goods and services.

4 There was a very high percentage of what we referred to as
5 transient alcoholics; people that didn't live there who came
6 into town and got drunk, had no resources. You'd find that
7 pretty much across northern Arizona and New Mexico. During
8 that time there's been a lot of changes and a lot of
9 improvements.

10 When I started on the police department in 1969,
11 there were things happening nationally. We had the national
12 civil rights movement. We had had millions of Americans who
13 were disenfranchised with the government. You know, we had a
14 constitution in the United States, but it only applied to some
15 people. So we had a large segment of our society that were
16 not happy. They didn't feel like they had a piece of the
17 green. They felt like they were being left out.

18 So you had a national movement going on. You had
19 the anti-war movement going on at the same time. You had the
20 drug movement kicking in; and all these things came to
21 fruition about the time I started as a policeman in 1969.
22 Martin Luther King had been slayed the year before, and I
23 would like to look at that as a period of history where the
24 police community and police minority relations were at an
25 all-time low.

1 I think things have improved to an extent. Now I'm
2 speaking from a position of being in Flagstaff. I don't have
3 the experience or the knowledge to deal with Phoenix, or
4 Tucson or the rest of the state; but in Flagstaff, Arizona,
5 during this period of time when I started as a police officer
6 in 1969, the citizens would ask us to keep particular people
7 out of particular areas. They didn't want people in the
8 parks. There were policemen who would tend to accommodate
9 that. But as we progressed and people looked at -- you know,
10 these young officers are hitting the street. They want to
11 protect life and property; they are here to protect and serve.
12 Everybody hates them. Why is it that we have this alienation
13 with the police?

14 Well, people are totally dissatisfied with
15 government in general. The police have always been used to
16 reinforce the status quo. The people that are in power have
17 used the police throughout history to prevent changes.

18 The Tucson Police Department motto at one time in
19 the '60s was we're the last bastion for change. And so if
20 that's the perception and that's the reason that you feel you
21 are in existence, then you're going be used as a tool to keep
22 the status quo. Any change will threaten the status quo.

23 We went from all of the unrest in the '60s, the drug
24 movement, the anti-war movement, the civil rights movement to
25 the unbridled immigration. We had this drastic increase in

1 immigration which changed the demographics of the country in
2 the '70s. The status quo once again became threatened on a
3 national level. You've got people that have a piece of the
4 pie. New people threatening the division of that pie. People
5 are concerned, and it's fear. Once again you expect the
6 police to go out and do something about this.

7 So during the time that I've been a police officer,
8 the most significant change that we have seen is the police in
9 their perception of why police exist. And over the years --
10 when I started as a young police officer, I was enthusiastic;
11 going to save lives, whatever -- you sit and look at why are
12 we alienated with the people that we serve. It took us about
13 ten or 15 years to figure it out. It's because we don't
14 listen to anybody.

15 So somewhere in the early '80s and into mid '80s
16 police started to listen. And what we did in Flagstaff, we
17 went out into the community and we asked people what kind of
18 services do you need. We also looked at our community. Where
19 we used to have, you know, a pretty predominant minority group
20 of native Americans which although as city residents was
21 small; as county residents there's a significant portion,
22 about 32 percent, I believe. A lot of people didn't listen to
23 what they needed.

24 We had the all indian powwow which went on for 47 or
25 so years in Flagstaff, and they brought people from all over

1 the world; and everybody geared up and ordered extra alcohol
2 and booze to SELL to them. No one built an adequate facility
3 to have it.

4 We had the American Indian movement come in in 1972,
5 1971. They protested the powwow. They're saying this is an
6 exploitation of our sacred dances; you know, selling alcohol
7 to these people is an exploitation of the native Americans.
8 The powwow pretty much ended. They started having the powwow
9 on the reservation run by native Americans.

10 Gallup built a center to have the powwow outside of
11 Gallup and it had a culture center combined which was a better
12 balance, you know, providing a need that existed.

13 But what we looked at is why are we in existence;
14 what are the police supposed to be doing. The Flagstaff
15 Police Department, it took a long time of sole searching and
16 going through what we're here to do, and we became a mission
17 driven department. We developed a mission over the period of
18 my career, I've been there 31 years, where our mission
19 reflects our values, it reflects why we think we are here and
20 what we are expected to do. And by adhering to our mission,
21 we don't become an unwitting tool to become a bastion against
22 change, or to preserve the status quo to the constitutional
23 detriment of other people.

24 And if you turn in your book, I have the mission.
25 It's about the third page into your book on the hard copy.

1 And what we adhere to is that the mission of the Flagstaff
2 Police Department is to protect and preserve life, property
3 and public order and the rights of the individual. Almost all
4 police departments look at we're here to protect life and
5 property and preserve public order.

6 What we think is significant is we feel that our
7 mission is to protect the rights of the individual and that we
8 are guardians of the constitution. We keep one group of
9 people from infringing on the rights of the others, whether
10 that is the status quo, elected officials or police officers
11 themselves. That's an integral part of our mission.

12 So we feel that that's why we have a fairly good
13 working relationship with most minorities in Flagstaff. We
14 are never going to make everybody happy because we're in the
15 enforcement business, the public order business, and we're
16 behavioral control people. So there's always -- when you
17 don't let everyone do everything that they want, there's some
18 people that won't like you, but the majority of the people are
19 law abiding citizens.

20 And then we wanted to do this by providing exemplary
21 service; you know, maintaining high ethical standards. And we
22 want to establish a partnership with law abiding members of
23 the community, and that's where we go out into the community;
24 we meet with people in the neighborhood. We meet with
25 anybody, any time, anywhere. We've always said that. If

1 someone has a complaint, we will receive that complaint and we
2 will look at it objectively. If people don't trust us to do
3 it, they would go to the FBI. They can go to some other --
4 they can go to the Department of Public Safety, they can go to
5 a panel, a civilian commission, and look at it.

6 We have never objected to people conducting
7 investigations on things we do, talking to us about things we
8 do or meeting with people in the neighborhoods and businesses.
9 And we also evolved into our community policing philosophy,
10 which you have a copy of the general order there. What that
11 basically says is that the people in the neighborhood are the
12 ones that control crime, quality of life issues and whatever.
13 People that live in the neighborhoods, people that live in the
14 community, are the ones that have the most power in a
15 democracy to deal with quality of life issues and crime
16 issues; that police cannot come from outside of the
17 neighborhood and outside the community.

18 You know, we should have learned something from
19 Vietnam. You don't establish order from without. You have to
20 generate public order. You have to generate quality of life
21 from within.

22 In order to do that, we have to go out to these
23 neighborhoods and find out what each of these individual
24 neighborhoods, what type of unique problems they are facing.

25 We're asking police officers to be problem solvers

1 and we're asking police officers to be catalysts for changes.
2 We're asking police officers to go in and identify problems in
3 concert with the neighborhoods or the businesses or whoever is
4 in our community and propose solutions; try to find resources.
5 If there are resources in the community that can address the
6 problem, bring the resource into the neighborhood; and if
7 there isn't a resource, we're asking them to go out and create
8 one. And that's a philosophy that we have been operating
9 under probably since around the mid '80s; and during that time
10 we have seen attitudes change not only on the part of the
11 police officers that we are hiring and retaining. We are also
12 finding that we are very well supported by our community and
13 that there are naysayers out there.

14 But we have no evil in our hearts. We are here to
15 accomplish this mission. We want to form this partnership.
16 Our evaluations, when we evaluate officers, we evaluate them
17 on their promotion of the partnership. We evaluate them on
18 carrying out this mission.

19 We give our employees some empowerment power. On
20 one side is the mission. On the other side, empowers them if
21 it's the right thing to do, if it's within the policy, if it's
22 good for the community, if it's good for the department,
23 don't ask us. Just do it. Go out and do it.

24 So I think that the thing that makes us different
25 from police agencies throughout history is that we are still

1 social control agents, but we are mission driven. We value
2 the constitution of the United States. You know, we take it
3 to heart. If we violate an individual's rights, then we have
4 a mission failure. If we shoot somebody, we have a mission
5 failure. If one of my officers gets killed, we have a mission
6 failure; and we take it very seriously.

7 CHAIRPERSON WEBB-VIGNERY: I would like to introduce Paul
8 Gattone who is the chairperson of the law enforcement
9 subcommittee. Are you open to questions now?

10 CHIEF McCANN: Yes.

11 MR. GATTONE: Thank you, madam chairman.

12 I have a few questions, if you could. One of the
13 issues that we were very concerned about and I think I wanted
14 to highlight, too, is this is the second of three hearings
15 we're doing on law enforcement and education. I'm not sure
16 that the witnesses knew that. We did one in Tucson two months
17 ago, and we are here in Flagstaff, and then I believe in two
18 months in Phoenix. So I think we are doing a statewide look,
19 and I think that's important. But one issue that's been very
20 important nationwide and which came up extensively in the
21 hearing in Tucson is the issue of racial profiling.

22 Are you aware has this been much of an issue or a
23 problem within the community or within the Department; and if
24 so, have you made any efforts to collect data on it or study
25 the problem or any efforts to mitigate that?

1 CHIEF McCANN: It has been an issue on the Flagstaff
2 Police Department. There's currently a lawsuit pending that
3 is filed against the Arizona Highway Patrol by a local
4 attorney, Lee Phillips, who I saw on your agenda for this
5 afternoon, and he's pretty much paralleling the New Jersey
6 case. In fact, his briefs are pretty similar to the New
7 Jersey case which you are all aware of. So I think that with
8 Lee Phillips you'll probably find out everything you need to
9 know about the national case and that particular case in the
10 City of Flagstaff.

11 In the City of Flagstaff, to racially profile
12 someone would be against our mission, would be against our
13 interests. So we detain people on a reasonable suspicion.
14 The two levels that we have to deal with as police officers
15 and that police officers deal with on the street, there's a
16 probable cause level which is the bar we meet for arrest; the
17 reasonable suspicion level that you meet for an investigative
18 detention.

19 So if I walked up to a person and talked to them, if
20 I do not have reasonable suspicion, that person can walk away
21 from me. If I walked up to that person and asked them for
22 their name, what are they doing or whatever, if I don't have
23 reasonable suspicion, I can't make them sit and talk to me,
24 and our officers understand that. They are free to walk away.

25 The only allegation of profiling that I've received

1 that was fairly recently was on a white individual who was I
2 believe an environmentalist who was approached at the train
3 depot, and he was allegedly singled out because he had a
4 political position contrary to the City's; but at that time
5 the officers weren't that sophisticated to know that, and we
6 feel that there was reasonable suspicion for the approach and
7 it did result in an arrest. So that's the one that we have,
8 and we take great care not to do that.

9 While I was interim chief before I was made chief,
10 the City manager's office independent of the Police Department
11 interviewed every group that was available, political action
12 groups, civic organizations, et cetera. The only complaint
13 that had come up was one kind of anonymous allegation that
14 officers were profiling Hispanic teenagers in the Sunnyside
15 area. I took great lengths. I called people in the Hispanic
16 community I know. I called people in the Hispanic community
17 that don't like us. And when they got back to us, they
18 couldn't find an example of that. But we are more than
19 willing to meet with anybody who would, and we always have
20 been. We take that to heart. That would be a breach of
21 mission, and we are mission driven and we have been since the
22 mid '80s.

23 MR. GATTONE: Thank you. Can I ask a couple of more?

24 CHAIRPERSON WEBB-VIGNERY: Yes, you may.

25 MR. GATTONE: Thank you. I was looking through the

1 materials on your review procedure. It is an in-house
2 internal affairs. So if someone has a complaint, a member of
3 the community has a complaint, what's the procedure?

4 CHIEF McCANN: They can call -- they can talk to any
5 officer, or sergeant or they can make an appointment to see
6 me, whatever. That's our internal complaint procedure.

7 Now, they can also go to the City manager or the
8 mayor which no one hesitates to do. They do that frequently.
9 They will call the mayor's office, et cetera. They also can
10 go to the FBI. They have a local office here. And if you are
11 talking about a civil rights violation, it comes under the
12 FBI's purview, and we would do an internal investigation. But
13 if there's a severe -- and in my career there have been severe
14 civil rights allegations. They've been investigated by the
15 state; they've been investigated by the FBI at the same time
16 that we do an internal. But we do look at all complaints.
17 And if someone comes in -- I've met people in my career out in
18 the woods in the middle of the night for whatever reason. I
19 have met a particular private investigator who was in fear of
20 his life. He didn't know if the cops were going to kill him
21 or the CRIPS were going to kill him. So I met him in the
22 middle of the woods. His information was fairly erroneous.
23 He was suffering from acute paranoia. But we will go to great
24 lengths and so will my staff because we want to accomplish our
25 mission. We're not here to oppress anyone. We really take

1 constitutional protection seriously, and I'm speaking for the
2 Flagstaff Police Department. And I can get a rogue cop that I
3 don't know about on the graveyard shift that's out there doing
4 something, but if we found out about it, we will correct it.
5 And we solicit input and we meet with the neighborhoods; and I
6 think that if you talk to people who have worked with us or
7 met with us in the neighborhoods, you will find that we are
8 pretty frank and honest about what we do. We want to provide
9 police service to the community of Flagstaff, and we want it
10 to be constitutionally sound protection for all the people in
11 the community.

12 MR. GATTONE: Sir, before you were saying that if need be
13 you would put together a civilian panel. Is there a
14 particular mechanism for doing that?

15 CHIEF McCANN: I would not put it together. Someone else
16 could do that. When they were looking for a police chief,
17 they put together a committee that was completely outside the
18 police department that went out and basically assessed how the
19 police department was running.

20 I was promoted from within the Department. I was a
21 deputy chief. I have a vested interest and stake in this
22 mission. But while they were looking, they did a worldwide
23 search like they always do for people, but they wanted to know
24 how the Police Department functioned and what the community
25 thought of it. But they set up an independent committee and

1 they went out; and had they found dissatisfaction, then they
2 would have promoted from without rather than from within.

3 I don't have one set up, and it wouldn't be the
4 police department to set it up. That would be an oversight
5 thing that would be set up, and they have those throughout the
6 country in different places.

7 MR. GATTONE: But there is no civilian advisory or review
8 panel that existed in Flagstaff?

9 CHIEF McCANN: No, not to date. They may go through the
10 mayor's office or the city council.

11 CHAIRPERSON WEBB-VIGNERY: Are there other questions for
12 Chief McCann?

13 MR. PAZ: Yes. Just for my information, what are the
14 demographics of Flagstaff, for the city?

15 CHIEF McCANN: Demographics? I think we are somewhere in
16 the area, on the county, something like -- let me put my
17 glasses on. 1995 special census figures, we had a special
18 census at that time, we had 64 percent white, 16 percent
19 Hispanic, nine percent native American. Bear in mind, those
20 are residents in the City, and on a given day it's probably
21 double or triple that because people come in to buy stuff and
22 leave. There's two percent Asian pacific islander. There's
23 one percent African-American and eight percent other. And the
24 "other" is a lot of people are of mixed ancestry or just don't
25 want to say or put other down on the census form. So the

1 "other" is getting to be more significant than it's ever been.

2 If you want to know the police department makeup, on
3 the sworn people we have 82 percent Caucasian, 14 percent
4 Hispanic, two percent Native American and two percent African
5 American. The Department as a whole is 81 percent caucasian,
6 13 percent Hispanic, four percent Native American and two
7 percent African American, 71 percent male and 29 percent
8 female.

9 MR. PAZ: As part of your mission, do you have a separate
10 goal or objective to recruit minorities to become part of the
11 force and also a systematic way for promotion?

12 CHIEF McCANN: Yes. The problem in policing, especially
13 with a department of our size, is promotions are few and far
14 between. So it's fairly somewhat discouraging. We do recruit
15 minorities very aggressively. The problem I'm having right
16 now is just recruiting anybody. I'm just like Phoenix, Tempe,
17 Mesa and all your departments because I can't get anybody.
18 And I've had very well qualified minorities working for me and
19 they can almost write their own ticket.

20 One of our Native American officers is the director
21 of the whole DIA national police department. He is the
22 director nationally. He was a patrolman in the City of
23 Flagstaff. And over the years we've had quite a few people
24 that come in; and once I get them trained and on the street
25 and they finish their degree at NAU, they can pretty much go

1 wherever they want to go in America. It's hard for me to hold
2 on to them. I lost another Native American to the National
3 Guard. He was ambitious enough, but we just didn't have any
4 openings. There were no promotions. So he took an officer's
5 position, I think a lieutenant's position, in the National
6 Guard and left.

7 So I do recruit aggressively. We try to get
8 officers with some college, but the studies have shown when it
9 comes to prejudices and limited vision, that you have less
10 problem with college educated officers than you do with
11 non-college educated officers by the studies that have been
12 shown, and we settle for G.E.D.s if we can get a qualified
13 person.

14 MR. PAZ: Can you just explain that?

15 CHIEF McCANN: What I'm saying is although we can hire
16 people with a G.E.D., and we will if they are qualified, we
17 would like to hire people with some college. In most
18 departments I think there's a demographic study that shows the
19 educational level of people that have been to college seem to
20 be less prejudice; they come to us with less prejudices than
21 if I hire some people that have a G.E.D. from Alabama or
22 someplace like that. So we try to recruit more qualified
23 people. We like college, but we hire -- right now I'm hiring
24 probably anybody who can get passed the Arizona post standards
25 and I'll accept a G.E.D., but I can't fill -- in fact, not

1 only can I not find any qualified minority candidates; I'm not
2 finding any. I'm running five positions short. I'm actually
3 15 short in the field, but that's just the economy. And it's
4 not just Flagstaff; it's Sierra Vista and everywhere else in
5 the valley.

6 MR. PAZ: Thank you.

7 CHAIRPERSON WEBB-VIGNERY: Mr. Osborn.

8 MR. OSBORN: Thank you.

9 Chief McCann, with respect to hiring of new
10 officers, do you have a high rate of turnover? Do you think
11 it's a high rate?

12 CHIEF McCANN: It's a very high rate of turnover since
13 the economy has been good. It's a very high rate of turnover.
14 A lot of it is because I'm next to the university. I hire
15 people who have some college. And when they finish college, I
16 have people who have gone to the FBI, ATF. People are in
17 almost every law enforcement federal agency. I even have
18 people from Flagstaff, and almost all of those who have worked
19 for us for three to five years have gotten other credentials
20 and have gone on to the federal level. So I do have a high
21 turnover.

22 MR. OSBORN: And does that fairly high rate of turnover
23 apply across-the-board with respect to the various demographic
24 groups?

25 CHIEF McMANN: Well, there is probably more turnover at

1 the white level just because there's more of them. I only
2 have two Black officers. One of them has an application in
3 for Mesa, and that's a monetary situation and his wife wants
4 to move there. So if I lose one of those Black officers, I
5 have lost 50 percent of that ethnic group; and if I lose one
6 white officer, it's less significant. There are more white
7 officers that leave, but it hurts me more when a minority
8 officer leaves.

9 MR. OSBORN: How does your salary schedule compare to say
10 Coconino County, the DPS? Are you competitive?

11 CHIEF McCANN: I'm very competitive with Coconino County.
12 I don't know if I'm competitive with DPS. I had to go to the
13 council last year, and they gave me a five percent retention
14 pay which made me more competitive than I was the year before.
15 I was about \$6,000 short of the starting salary of Tempe last
16 year. Now I'm starting at about four thousand short and
17 getting pretty competitive at the end of the year. Actually
18 my salaries aren't competitive with the valley, and that's why
19 I'm losing people to the valley and the federal agencies.

20 MR. OSBORN: I take it you are not confined to
21 residents of the city when you hire?

22 CHIEF McCANN: No.

23 MR. OSBORN: You can hire from anywhere?

24 CHIEF McCANN: Yes.

25 MR. OSBORN: All right. Thank you, Madam Chairman.

1 CHAIRPERSON WEBB-VIGNERY: I have one question, and that has
2 to do with you and your relationship with the community.

3 Do you have a group of you to advise you or
4 participate in some kind of police training of any type?

5 CHIEF McCANN: In the summer we put on a ATF I guess gang
6 prevention education camp. We put on two of those, two
7 three-week camps. That's one program that we have. Some of
8 these are listed in that book. Also, the City has a youth
9 commission, and we participate in the youth commission. They
10 also had a leadership academy that the youth commission puts
11 on that we participate in through the Parks & Recreation
12 Department. We teach D.A.R.E. at all the fifth grade classes.
13 We have a lot of activities in the Sunnyside area. We have so
14 many programs going on I can't keep up with them, but if you
15 refer to the book, we have almost everything.

16 CHAIRPERSON WEBB-VIGNERY: We have a possible three
17 minutes left.

18 MR. GATTONE: Chief, I have a couple of questions. One
19 of the concerns we have asked with law enforcement officials
20 in the Tucson area was regarding the use of force and
21 particularly the use of deadly force.

22 I didn't notice. Maybe I didn't look closely. Are
23 there any statistics in here on the number of times that
24 people and an officer in your department have been involved in
25 the use of force, particularly deadly force? Do you keep any

1 statistics on the race or national origin of the person who
2 officers have used force against?

3 CHIEF McCANN: When an officer uses force, we keep track
4 of that with a use of force form; and when it comes to
5 shootings, we have very few; and that goes back to our mission
6 again where we try to exhaust all other avenues before we take
7 life.

8 There are different levels of commitment, I believe.
9 We have a very high level of commitment. We have a
10 reputation and we've been criticized by tactical people of
11 other departments and even sometimes in riding or trainings
12 that we risk officers' lives to do something, but we feel
13 that's an obligation we do.

14 So when it comes to numbers of officer involved
15 shootings, there are very few. We had one this year which was
16 followed by an officer being shot. We had one officer killed,
17 and several weeks ago we shot an individual who was holding a
18 hostage with a knife in a close quarter hotel room situation.
19 We deal with that situation all the time; and this situation
20 was in confined quarters and, you know, was a different set of
21 circumstances. But our use of force is very well scrutinized,
22 and we look into all complaints, once again. I don't have it
23 in this book, but we do have it available.

24 MR. GATTONE: Could you provide that to us? As we are
25 going through and preparing the results of all these hearings,

1 I think that that would be helpful to our review. Could you
2 provide those statistics to our staff? I guess it would just
3 be a matter of faxing or emailing or whatever to our L.A.
4 office.

5 MR. McCANN: Yeah. You want total number of times? You
6 don't want names; you just want the statistical information.

7 MR. GATTONE: I think what we are interested in is the
8 number of times of the use of force, the type of force and the
9 race and national origin of the person on the receiving end of
10 the force.

11 MR. McCANN: I'm pretty sure we can get that to you.

12 MR. GATTONE: That would be great if you can provide that
13 to us.

14 CHAIRPERSON WEBB-VIGNERY: Do you have a question,
15 Angela?

16 MS. JULIEN: You told us that nine percent of the City's
17 population is Native American. 38 percent of your total
18 arrests are Native American.

19 Do you have any proactive programs? Are you doing
20 anything with the Native American community to look at that?

21 MR. McCANN: The City of Flagstaff for years has been
22 trying to work out some kind of workable relationship with the
23 tribal councils to provide some mechanism for taking people
24 who were stranded in Flagstaff.

25 One reason that you see such a significant number of

1 arrests is that a lot of those people are away from their
2 support base. So they are somewhat of a transient when they
3 are in Flagstaff. So they are stranded here, some of your
4 chronic alcoholics. When we say the number of arrests, that
5 may be the same person 20 or 30 times.

6 So we have constantly been trying to deal with the
7 county, city, whoever, to say we have this habitual alcoholic
8 abuse population here that we recycle, recycle, recycle.

9 | So there are all kinds of programs kicking in
10 effect, and we would have more than we have now if we didn't
11 do something about it. But if I could cite/release -- say I
12 have a individual who is drunk and disorderly. I could cite
13 and release him and turn him over to sober friends if he had a
14 support group here; but if I have a person passed out in the
15 cold on the sidewalk and it's going to be 30 below zero, then
16 we have to arrest that person. Basically I call it
17 compassionate arrest. If no one else will take them anywhere,
18 the person will freeze to death if we leave him out. So we
19 will oftentimes book that person into the county jail.

20 Now we have policy that we don't book people over a
21 2.5 alcohol. So we call an ambulance and take them to the
22 hospital, and we will give them a ticket if they committed
23 some violation. Almost all people who have passed out now go
24 to the hospital by ambulance, and they are only arrested if
25 they have committed a crime other than blocking the sidewalk.

1 This is a social problem that's way beyond the
2 police department's ability to cope with it alone. We've been
3 trying to partner with almost anyone who will listen to do
4 something about the alcohol problem with not only Native
5 Americans, but we handle a pretty large segment of alcoholics
6 in general that we deal with.

7 CHAIRPERSON WEBB-VIGNERY: Okay. I want to thank you for
8 coming in and meeting with us this morning. If you have other
9 materials that you would like to provide to the Commission,
10 you can give those to Art Palacios. Thank you.

11 CHIEF McCANN: Thank you.

12 CHAIRPERSON WEBB-VIGNERY: Thank you very much.

13 MR. GATTONE: Thank you.

14 MS. JULIEN: And thank you for giving us the materials.

15 MR. GATTONE: Yes, thank you for the materials.

16 CHAIRPERSON WEBB-VIGNERY: Dr. Lee Hager.

17 Could you please state your name for the record and
18 who you represent?

19 DR. HAGER: My name is Lee Hager. I'm the assistant
20 superintendent for curriculum and instruction for the
21 Flagstaff Unified School District, 3285 East Sparrow Avenue.
22 That's Flagstaff 86004.

23 Good morning, and this is interesting. I'm hoping
24 I'm going to be of some help to the Commission. I got word of
25 this about ten days ago, and knew nothing about all of this.

1 I did spend time with the gentleman from Los Angeles, and
2 hopefully I'll be able to be of some help to the Commission.

3 A little bit about our district. We have about
4 11,400 students. We are unusual in Arizona. We are a
5 declining enrollment district. The economics in this
6 community are such that it's a very expensive place to live
7 and the salaries are very low. So we are noticing primarily a
8 decline among our elementary students, over 200 last year.
9 Younger families are finding it harder and harder to live
10 here. They can go to the valley and earn a great deal more
11 and find that the cost of living is less. So we are declining
12 which is somewhat unusual in Arizona, I think.

13 Our district covers about 4400 square miles. It
14 includes part of the Navajo Nation. The breakdown of our
15 student population by ethnicity, and this is rough but it is
16 pretty much what the state gives back to us, 60 percent
17 caucasian, 22 percent Native American, 15 percent Hispanic,
18 about two percent African American and about one percent
19 asian.

20 Our recent dropout statistics from '98-'99, these,
21 again, are a little slow coming back from the state, overall
22 seven through eight is about 2.3 percent, nine to twelve is
23 7.3 percent. I'm sure we'll be talking about some other
24 dropout statistics before I leave this position today.

25 We have a number of programs to try to help ensure

1 equity among our students. I'm not going to get into too many
2 of those. I think until we get to the question part of it,
3 Mrs. Kasch and Dr. Fillerup from my office who are going to be
4 here a little bit later I think will go into some more detail
5 about those. I know that Dr. Fillerup is going to mention our
6 recent large federal grant to start a bilingual school. Great
7 timing given the English only initiative that's going to be on
8 the ballot. So the next time I testify it may be before
9 another whole group.

10 Under governing board direction, we also instituted
11 a minority hiring program. Our former governing board member,
12 Mr. Ulibarri, I'm sure will mention that a little later
13 because he was instrumental in having us do that. We continue
14 to try to work on that.

15 We face some of the same problems the police
16 department does. Our salaries don't compare very favorably.
17 We've moved them up dramatically in the last couple of years
18 which is hard to do given the financial situation, but we are
19 still behind the valley and, again, our cost of living is very
20 high. So we have the same kinds of difficulties competing.

21 One of the advantages we have, a lot of the students
22 from NAU come to school here and then they want to stay here.
23 So we try to capitalize on our trees as much as we can. I
24 know we don't pay as well and the cost of living is high, but
25 we have beautiful scenery here. So we keep working on it.

1 But our new superintendant particularly has done quite a bit
2 with the salaries and we hope that's going to continue; but
3 we've had positions this year that traditionally maybe a
4 hundred people would apply. That's down in the 30s now. Jobs
5 that used to get about 30 are down in the teens, and we have
6 had some jobs in specialty areas where we've had one applicant
7 because of, again, the economy and what we are able to do.

8 We also -- I know you have probably seen the report
9 card on this. One of my other responsibilities is I'm
10 responsible for our middle school and high school alternative
11 program, Project New Start, where I'll be working with kids
12 who are not meeting success. This is the first time we have
13 had to do a report card to the state. In the past we tried to
14 keep these kids aligned to their home schools. So we have
15 been told not to do a report card, and last year they said,
16 gee, where's your report card. So we are going to gather --
17 we can talk a little bit more about that, but the goal there
18 is to get those students back to their school and hopefully
19 have them meet with more success. We do have a fair number of
20 those students who leave the program, but all of those
21 students start out being either at risk or dropping out. So
22 we do what we can. We've tried to address a couple of issues
23 there with respect to kids not staying even in New Start. We
24 now have a home school coordinator for that school. That's
25 new, just in the last year. This individual works with the

1 families; sometimes actually goes to the homes and wakes up
2 the student. Brings the student to New Start. We now have a
3 counselor at the facility that we didn't have before. We have
4 expanded and included in the course some middle school
5 students trying to get to the students that are having
6 difficulties while they are still young enough to make a
7 bigger impact.

8 So that's a little bit about Flagstaff and some
9 information and background, and I will be happy to answer any
10 questions that you have.

11 CHAIRPERSON WEBB-VIGNERY: I would like to introduce
12 Angela Julien who is the chairperson of the education
13 subcommittee.

14 MS. JULIEN: Dr. Hager, could you give us just a little
15 breakdown about the dropout population? Do you have the
16 statistics as far as the demographics of that population?

17 DR. HAGER: Actually, we do, and that was quite a
18 challenge. It's not something the state has been preparing
19 for us, but we found somebody at the Department of Ed. late
20 yesterday who actually gave us the most recent breakdowns that
21 he had. I think I have this here. If I don't, I know Manny
22 does. Excuse me just a second. School just started this
23 week. So...

24 This is the information that we got back from the
25 state. Over the last -- at least in my time in Flagstaff

1 which is ten years, they changed the methodology for
2 determining dropouts about three or four times, and it's a bit
3 frustrating; but we have it by Coconino High School, the
4 dropout rate would be in the -- let's see, the dropout rate
5 for Hispanics is probably about 18 percent; Flagstaff High
6 School about 2.2. percent; Project New Start, the one I just
7 mentioned, 32 percent; and let's see, the Native American
8 dropout rate about 12.8 percent in Coconino, 2.7 percent at
9 Flag High, 41 percent at Project New Start and about ten
10 percent at Sinagua High School. The other population, the
11 African American population, they don't calculate. For New
12 Start, for example, it's too small to identify students; but
13 it's in the very, very small percentages because it's a very
14 small population.

15 CHAIRPERSON WEBB-VIGNERY: Is there a possibility that we
16 could have a copy of that report?

17 DR. HAGER: Oh, sure. Absolutely. If there's any
18 information -- again, I wasn't sure what to provide you. We
19 produce a lot of information about the school district, but I
20 wasn't sure what would be helpful. If there is any
21 information as we go along because you couldn't get something
22 like this, I would be glad to put it together and send it to
23 Los Angeles.

24 MS. JULIEN: Dr. Hager, could you give us an idea of how
25 the certified staff in the district -- how the demographics of

1 the certified staff match up to the demographics of the city?

2 DR. HAGER: I don't have the personnel information. Of
3 course, that's not really my area of purview. I could tell
4 you that it would not come close to the demographics of the
5 student population. That's one of the reasons the governing
6 board instituted a minority hiring program. What that said
7 was that we could hire -- rather than go through the typical
8 system, the typical of how someone would apply for a job, the
9 job's posted. You apply through the principal. The principal
10 does the interviews, makes the decision and personnel will
11 process the paperwork to hire that person.

12 We weren't convinced that that was paying enough
13 attention to minority hiring. So what the governing board had
14 us do was to develop a plan -- I hope I'm not stealing Manny's
15 thunder here -- we can higher seven minority teachers, just
16 the district can hire them, and then as openings become
17 available we could help place those teachers.

18 We have a pretty good idea of how many openings
19 we're going to have. We don't necessarily have to wait for
20 retirement or something. We can say, well, we know we have so
21 many openings; we're going to need so many elementary, or math
22 or whatever it happens to be. So our personnel office then is
23 able to go onto campuses, recruiting fairs or whatever and
24 actually make seven hires. It's modest, but again, we are not
25 a very large district.

1 That's not the only hiring we do. This year I
2 believe we hired about 100 teachers. I think 20 of them were
3 minority teachers. But I don't have the exact ratios of
4 minority teachers to students, but I can tell you it wouldn't
5 be fairly close.

6 MS. JULIEN: Can you tell me if there is like a procedure
7 that parents can go through if they feel that their child is
8 being treated unfairly in a specific classroom?

9 DR. HAGER: We encourage them to start with the teacher
10 and then go to the principal, but then they usually call the
11 district complaint officer. That's me, too. I'm also the
12 complaint guy; and I think we have resolved them pretty well.

13 We have open enrollment, and sometimes that works
14 pretty well. The parents can choose any school they want in
15 the district. That usually means they have to provide
16 transportation. Sometimes we are able do it anyway because
17 the bus route just happens to work out and they can still go.
18 So they can choose any school. The school does have to have
19 room. Sometimes that's an issue with the elementary school.
20 The third grade might be full or something like that. The
21 secondary schools there's always room.

22 So a lot of parents for whatever particular reason
23 will just say I feel uncomfortable with this school or that
24 school and so they will make a move. I think that is helpful
25 rather than forcing parents by saying this is the school

1 you're going to go to and that's it. I think you create a lot
2 of the unnecessary consternation when you do that.

3 MS. JULIEN: And are there curricular programs that are
4 provided for staff development to teachers dealing with
5 education of minority children?

6 DR. HAGER: We've done programs for staff development.
7 Staff development is a continual challenge for us, too. We're
8 still trying to work out staff development days every year in
9 our calendar.

10 Currently it goes something like this: We have 179
11 days in our calendar. Arizona requires 175. We have four
12 snow days. If after April we haven't used the snow days they
13 become staff development days if you choose to use them. It's
14 not a very good system because actually we've done that and
15 it's snowed here -- actually we have had snow in May since I
16 have been here. So, it's not a very good plan. So we are
17 trying to figure out how to come up with the resources because
18 it means expanding the teachers' contract to have more staff
19 development days. Staff development is a challenge.

20 Currently one of the programs that we have been
21 using is a pre-response to conflict program, and we have been
22 training large numbers of our staff for that. It has a lot to
23 do with sensitivity overall and certain cultural sensitivity
24 as well. It has to do with a lot of proactive kinds of
25 activities to prevent the situation from deteriorating when we

1 have a conflict.

2 Teachers, especially the ones at NAU, are provided a
3 lot of information about different cultural issues in this
4 community. We do provide sensitivity training. We do have
5 counselors trained, and Mike Fillerup a little later on will
6 talk about some of the programs and our continually striving
7 to get all of our teachers certified. So that's one of our
8 goals.

9 So staff development is a challenge. It's expensive
10 and the timing is difficult. The pre-response to conflict
11 happens to be the current program that we are trying to get as
12 many of our people trained. Our next step will be to have our
13 own trainers trained so that we don't have to keep going to
14 outside resources for that. But conflict in the school,
15 school violence issues, are obviously a national concern. So
16 that's been our focus the last 12 months.

17 MR. PAZ: Just in terms of school behavior and
18 suspensions, how would you describe the district's statistics
19 in terms of suspension?

20 DR. HAGER: Well, when we suspend our students, we try to
21 suspend them to somewhere. So even though we list a
22 suspension, that student may very well wind up at New Start.
23 That's one possibility. We found at New Start, however, we
24 don't have security people there, and although I'm the
25 administrator of records, my office is six miles away. So I

1 try to instruct the students not to get sent to the
2 principal's office. It's kind of a long walk. The teachers
3 there pretty much run the school.

4 So we were starting to get some more difficult
5 students that the board -- our board's commitment is not to
6 suspend kids out of school. They don't want them home. They
7 don't want them on the street, and that includes sometimes
8 some very serious offenders. The county school here has
9 opened its own school called Esperanza, and it takes the more
10 difficult kids. It's meeting with a lot of challenges. It's
11 a county-wide school, not just Flagstaff kids.

12 We have been able to move several of our more
13 serious offenders from New Start there which has mellowed out
14 the population of New Start, and we feel we are more
15 successful as a result. A lot of kids who are in alternative
16 education aren't necessarily kids who are causing trouble. So
17 the philosophy is if they are going to be taken out of let's
18 say Flag High School, Mt. Elden Middle School, that may be
19 necessary. Where are they going to go? We don't want the
20 kids at home. Does that happen still? It does. Sometimes
21 parents say they don't want the alternatives and they would
22 rather keep the kid home. But our goal, and the board just
23 reaffirmed this about three days ago, they don't want any kid
24 out of school.

25 MR. PAZ: How would you describe the ethnic population in

1 terms of the people that do go to New Start?

2 DR. HAGER: Well, New Start's population of course I have
3 to tell you it varies on a day-to-day basis because the kids
4 are in and out all the time, but I would say that we have some
5 minority issues with respect to the kids school quote,
6 unquote, "alternative program." That's one of the reasons we
7 hired a home school coordinator to see if we can't do some
8 things to approve on that and find out why that seems to be a
9 problem. But right now if you were to look at the ethnic
10 breakdown of New Start, it would be disproportionate.

11 MR. PAZ: Do you have any sort of monitoring of any
12 governmental agencies such as the region in terms of civil
13 rights looking into areas of corrective measures?

14 DR. HAGER: Not that I'm aware of. As a matter of fact,
15 until ten days ago I wasn't aware that this commission
16 existed, and that's probably my own lack of being informed.
17 But we haven't had any complaints -- we have had people that
18 feel that perhaps discipline was given to their student or
19 there's a problem because of their minority status. I've had
20 people make that complaint as a district complaint officer.
21 Actually the most recent involvement we've had with the Office
22 of Civil Rights, we did have a complaint that was resolved
23 finally after -- about two weeks ago with the district. It
24 had to do with sexual harassment. They had a complaint from a
25 student who felt that they had brought sexual harassment

1 issues to the administration and nothing was done. So they
2 brought the complaint against us. And we had to develop
3 programs and procedures to make sure that we would take care
4 of it. I'm also now a sexual harassment investigation officer
5 as well. I didn't get a badge, though. I was a little
6 disappointed in that.

7 MR. PAZ: Thank you.

8 MR. OSBORN: Madam Chairman. Dr. Hager, this is not
9 really relevant to the matter we are here for, but I'm curious
10 about how many elementary school districts comprise the
11 Flagstaff High School?

12 DR. HAGER: Well, we are a unified district. We have 17
13 campuses, and one of our schools is actually on the Navajo
14 Nation out in Leupp about 45 miles from town.

15 MR. OSBORN: So this is K-12?

16 DR. HAGER: Yes, it is.

17 MR. OSBORN: Do you happen to know how many charter
18 schools are in that region?

19 DR. HAGER: We have two high schools, I believe there's
20 two middle schools, and then we have our Montessoris who
21 became charter schools, and they sort of have branches all
22 over town. We have an Excel center here.

23 So I think if you were to count the Montessori group
24 as one program, I think it's about six.

25 MR. OSBORN: How would you characterize the students who

1 are enrolled in those schools? Can you do that?

2 DR. HAGER: Well, again, if you look at the Montessori
3 program, we were already there anyway, parents looking for
4 different alternatives, wanting some difference. We have been
5 told, too, that if we were to offer more alternatives, they
6 would probably come back.

7 The wave of charter schools kind of crested here
8 about two years ago. Across all the charter schools, they are
9 up 61 kids as of Tuesday. I did some checking on that. So
10 they still continue to grow at a modest amount. One of the
11 charter schools wants to come back to our high school and use
12 one of our wings at Sinagua High School, and we are seeing
13 more of these people coming back. Actually, we have had a
14 similar experience with our home schooling parents as well
15 because we let them come in and take classes if they want and
16 we try and encourage them to come back.

17 When I came here about ten years ago, the
18 relationship wasn't good with home schoolers and with private
19 schools, and of course charter schools. Again, we have some
20 brand new ones, but some of them who are in private schools.

21 I think probably -- I'm sure that our district is a
22 much better representation of the population of Flagstaff than
23 the charter and private schools are.

24 MR. OSBORN: In what respect? That's what I'm trying to
25 get at.

1 DR. HAGER: In diversity, cultural diversity.

2 MR. OSBORN: Does that mean that those students who do go
3 to charter schools tend to be --

4 DR. HAGER: I believe they are disproportionately
5 probably Anglo, caucasian.

6 MR. OSBORN: And in terms of their social economic
7 status?

8 DR. HAGER: I believe, and again, this is a little hard
9 with the Montessori programs, but the newer schools I believe
10 the kids are probably in a higher socioeconomic status. And
11 will there be exceptions to that? Yes. These are
12 generalizations, but that's my sense of it.

13 MR. OSBORN: Thank you.

14 CHAIRPERSON WEBB-VIGNERY: Would you have any statistics
15 to back up what you just said?

16 DR. HAGER: I can get the demographics of that. They are
17 very good about sharing information and we do the same, but I
18 can get the demographic information from the charter schools
19 and provide that to you.

20 CHAIRPERSON WEBB-VIGNERY: That would be very helpful.

21 MS. JULIEN: Could you include the Flagstaff Leadership
22 Academy and --

23 DR. HAGER: Flagstaff Leadership Academy, Northland.
24 There's quite a few of them.

25 MR. PAZ: Can we get some statistics on the number of

1 students that leave and go into other alternative programs?

2 DR. HAGER: Sure.

3 CHAIRPERSON WEBB-VIGNERY: And that will go to our L.A.
4 office.

5 DR. HAGER: Sure.

6 CHAIRPERSON WEBB-VIGNERY: I have a couple of questions.

7 DR. HAGER: Sure.

8 CHAIRPERSON WEBB-VIGNERY: The new state testing system,
9 AIMS, are you finding any problems with that or --

10 DR. HAGER: Gee. No, actually all of our kids passed it
11 and we are kind of moving on now. No.

12 CHAIRPERSON WEBB-VIGNERY: No. Actually, have you found
13 that it is impacting one cultural group over another? Have
14 you found any differences in testing between the student
15 population?

16 DR. HAGER: Well, of course in the area of math, I think
17 it's -- and it's pretty across-the-board. I think we were at
18 the 13 percent or whatever the rest of the state was, and we
19 will see now what it looks like.

20 I think it's having a negative impact. Let me
21 preface that. I'm not concerned about the standards. I think
22 the idea of standards are a great idea. I wish we could have
23 started with about third graders. It's a K-12 system that you
24 have to go through to pass these standards, and I would say
25 that you would want to start early in the program. You

1 wouldn't start with kids who were 9th graders. Of course now
2 we go back and forth. Well, is it this year freshman? Well,
3 no, we'll make it this year sophomores. And there's been a
4 lot of confusion with it.

5 I think overall it's had kind a scary impact on
6 kids, and I think minority kids are suffering to some extend.
7 I think you can probably make a case that they are going to
8 suffer to a greater extent, and I think there's another reason
9 for that, though. That's what I wanted to point out.

10 In our last override election, we passed part of our
11 override monies to provide challenging and enrichment programs
12 and get more of our underrepresented students in higher level
13 classes like advanced placement classes, because what happens
14 is if you can say that AIMS is tough for all the kids but it
15 seems to be harder on minority kids, then it tells you that
16 your minority kids aren't taking a lot of more challenging
17 classes that they should be taking. That's a separate issue
18 that needs to be dealt with regardless of AIMS, and that's
19 something that dawned on us.

20 So we are increasing programs now to get more of our
21 students in those classes. Actually, last year we did a pilot
22 with one of our higher math classes with Native American
23 students who live in the dorm at NAU. Typically they would
24 not have been put in the class already. We put them in the
25 class and said okay, you're going to take algebra. We know

1 you've only had the pre-algebra and you haven't had all the --
2 it's time to move on. Those kids actually outscored the kids
3 in the regular algebra class. Now granted they had tutoring
4 from the Native American engineering students at NAU, but it
5 shows that sometimes -- and that makes a case for the
6 standards, I guess. Sometimes you need to move on. Move the
7 bar up and figure out how to get the kids there.

8 | But that's one of the things we did and we are
9 pleased that the voters were willing to support that with some
10 money. So we are going to increase those programs and get
11 them into -- especially the underrepresented groups in those
12 classes. I think that will level out the impact of AIMS. It
13 will be more like everybody is in the same boat.

14 | CHAIRPERSON WEBB-VIGNERY: That's a good model program.

15 | DR. HAGER: It was. It just kind of happened, but it was
16 good. What a thing for self-esteem. They outscored all the
17 other algebra kids and they weren't supposed to be in algebra
18 yet.

19 | CHAIRPERSON WEBB-VIGNERY: And I have one more question
20 because it is one that we are facing in the Tucson area
21 in certain school districts.

22 | Have you had problems with teen suicides? Have you
23 kept any statistics on that?

24 | DR. HAGER: We do have those and I can get those from our
25 crisis intervention team. We have had situations of teen

1 suicide; and like most areas, the biggest concern is it seems
2 to come in a group. If you are not careful, it will -- one
3 will trigger another one. We've had a few of them. It's been
4 I believe -- I think we're into our second year without one,
5 but we try to watch for the signs. We have a crisis team that
6 is very, very highly trained, and they could be brought in by
7 local school counselors. When they think a student is moving
8 in that direction, they will work with the student and
9 families. They are also there after the event happens to work
10 with the other students in the school and the parents. The
11 big concern there is to make sure that you don't set off a
12 series of these suicides because it does happen.

13 I can get you numbers for that. Obviously not
14 individuals, but I can get you numbers for that. But it
15 happens here, too.

16 CHAIRPERSON WEBB-VIGNERY: Thank you. Thank you very
17 much.

18 DR. HAGER: You're welcome.

19 CHAIRPERSON WEBB-VIGNERY: And if you could provide
20 materials.

21 DR. HAGER: Sure. I made a list and I will make sure you
22 get those.

23 CHAIRPERSON WEBB-VIGNERY: I believe the next person is
24 Elaine Kasch. And if we could have you state your name and
25 who you represent for the record.

1 MS. KASCH: Okay. Good morning. My name is Elaine
2 Kasch. I am the supervisor of the Indian education program --
3 support programs for Flagstaff Unified School District.

4 CHAIRPERSON WEBB-VIGNERY: And I believe you have a
5 prepared statement?

6 MS. KASCH: Well, actually, I suppose that I do have
7 within the realms of my responsibilities with the district,
8 after which I would like to go ahead and entertain questions
9 from you.

10 CHAIRPERSON WEBB-VIGNERY: Okay.

11 MS. KASCH: In supervising the indian education support
12 programs, I oversee two federal funds to assist Native
13 American students in our school district in the way of
14 supplemental education programs, activities for students and
15 families.

16 I have a staff of nine Native American counselors
17 that have been assigned to each of the schools in our school
18 district. There are some that are in multiple school
19 assignments and there are some just depended upon the number
20 of students that are enrolled in the school.

21 So far we have -- the three high schools, we have
22 two full-time counselors in each one of those high schools.
23 At Sinagua High School we don't have the high number that the
24 other two have, but we have that particular person working
25 with Sinagua High School as well as an elementary school that

1 is located right across from the high school. And then one
2 full time at one high school and another one at the other
3 middle school, but is also providing services and also to an
4 elementary school located near NAU.

5 The rest of them are elementary counselors. They
6 serve multiple schools; again, depending on the enrollment of
7 the elementary school. We have one that just yesterday we
8 modified her job a little bit to meet some more needs of the
9 schools there. So she is not putting in full time because she
10 is also teaching one period of grammatical studies at a new
11 public school for 8th grade students.

12 We provide a lot of cultural activities for our
13 parents and students throughout the year. We have heritage
14 programs that we implemented. We work with students but also
15 with the schools. In particular, we have the Navajo language
16 classes that are available for any student as part of our
17 modern language programs at each of the high schools. We
18 piloted -- we also started a Navajo language class at one of
19 the schools. I believe we are going to introduce a third
20 class because the first two classes are full. The parents are
21 very excited about it. The students made great strides in
22 attitude, their mood, their attendance with this particular
23 class. The mood is great, although the funding is not there
24 for us to implement the program at all the schools.

25 It was difficult to implement a language class at

1 the elementary school, so we thought about providing that need
2 through the summer school program or through the community
3 education programs that we have.

4 In terms of other programs that we have done, we
5 implemented a couple -- two years ago we started a cultural
6 student exchange program that has also proved to be very
7 successful. We do the program with a group in Canada,
8 Vanderhoof, British Columbia, in particular. We send five
9 students over there with a group of people called the
10 Carriers, and their language, it is very similar to the Navajo
11 language.

12 But in terms of the programs that they provide in
13 their schools, it is very small; and part of our program is to
14 assist in helping those students there, the importance and
15 value of preserving the language and culture. There are about
16 2,000 Carrier students in that particular school, and -- I'm
17 sorry, let me back up. There are 2,000 members of the Carrier
18 group left. There are only four elders left. So they are
19 sort of on a time crunch to try to implement language and
20 cultural programs in their schools. And so part of our
21 efforts is to go there and to help the students understand the
22 importance of preserving their language and culture.

23 So we have five students go there and do cultural
24 programs with the high school students there; and in turn,
25 those students come back here and we provide a lot of

1 orientation by helping them go through different areas
2 throughout the Navajo Nation; and again, we provide a place
3 for them to stay, host families here. And the pride that
4 comes from doing these types of activities has been very
5 profitable in terms of students attitudes in school; and so we
6 are very proud of that.

7 We have also done what we call a mother/daughter,
8 father/son program at the elementary school level. We have
9 also done some leadership conferences, and this has been done
10 in coordination with a Northern Arizona University program.

11 So I think those are some of the highlights in terms
12 of what we are able to provide. We have tutoring also that's
13 available at the middle school for those students; but with
14 these successes, you know, there are other things that we
15 would like to do, and unfortunately, you know, funding --
16 people, funding, finding qualified people. In this instance,
17 we are always looking for indian people because they provide
18 the role modeling and they understand the culture and
19 understand the language and the background from where these
20 kids come from.

21 We have a community located about 35 miles north of
22 Flagstaff, Cameron, and we bring in some of those students
23 into our schools, particularly Coconino High School and a
24 couple of the elementary schools, and they are part of our
25 school district. The students finish -- once they complete

1 8th grade, then they make a transition into the Sinagua High
2 School. We have a dormitory located here with about 250
3 students, and all of them attend Flagstaff High School.

4 So, you know, I hope I'm giving you a range and
5 perspective of our programs and how wide we serve. So if you
6 would like to ask me any questions, I will be happy to try to
7 answer them.

8 MS. JULIEN: Do you know what the graduation rate among
9 Native American students is, graduation rate from high school?

10 MS. KASCH: The graduation rate according to the Arizona
11 dropout rate is about 20 percent which is -- that's across the
12 state. I don't have those figures with me, no, and it varies
13 from school to school; but as a whole, I can get those for
14 figures for you. It is high in terms of in comparison
15 to nonNative American students --

16 MS. JULIEN: Let me make sure I'm asking my question
17 right. The graduation rate, the rate of students who succeed
18 and finish high school, that rate -- I think what you gave me,
19 20 percent is the dropout rate, right?

20 MS. KASCH: Right.

21 MS. JULIEN: So the graduation rate, then, would be 80
22 percent.

23 MS. KASCH: I'm sorry.

24 MS. JULIEN: What I'm trying to figure out is how many
25 students successfully complete high school? Do you have a

1 sense of that by high school in Flagstaff?

2 MS. KASCH: Yes. I guess at Flagstaff High School in
3 particular, students completing their courses or graduating, I
4 would say that the dropout rate is about 30 percent.

5 CHAIRPERSON WEBB-VIGNERY: I know --

6 MS. KASCH: I'm sorry. The students who don't complete.

7 MS. JULIEN: Students who don't complete?

8 MS. KASCH: Right.

9 MS. JULIEN: So then the graduation rate would be about
10 70 percent?

11 MS. KASCH: Yes.

12 CHAIRPERSON WEBB-VIGNERY: Is there a possibility to send
13 those statistics --

14 MS. KASCH: I can, yes.

15 CHAIRPERSON WEBB-VIGNERY: Because I don't know if they
16 have been updated from the State Department of Education. I
17 know in 1995 from Pima County, the Native American students
18 had about a 44 percent graduation rate; and I believe it is
19 higher in this county, but maybe there's more statistics that
20 I don't know about.

21 MS. KASCH: I would be happy to provide that for you.

22 MS. JULIEN: Thank you. It sounds like great things are
23 happening with the Navajo language classes and Navajo cultural
24 classes and all the things that are happening with the
25 mother/daughter, father/son.

1 Are there programs occurring for the students who
2 live in the dorm -- because of the lack of family support, are
3 there programs for them? They are away from their family; not
4 necessarily that they do not have a support group, but that
5 they are away from their family.

6 What kind of programs are provided at the dorm to
7 help them be successful in their homework and those kinds of
8 things?

9 MS. KASCH: They have got an excellent partnership with
10 the university. They provide after school tutoring. Those
11 students who are needing some extra assistance, that's
12 provided for them in the evening. The dorm provides as much
13 of a home life that they need to have. The staff is very much
14 devoted to the students and their needs, and they have Native
15 American staff members to assist the students there with an
16 extensive program. They help students that are wanting to
17 have jobs, something in the community, and provide
18 transportation for them. They help them be involved in school
19 activities. They provide transportation to sports events.
20 They allow them to participate in the school sports programs.
21 They provide transportation to students at different times of
22 the year to go home. They actually do a run through the
23 reservation and take students home. So they do an excellent
24 job of trying to get the students to feel like home and be
25 successful in school.

1 MS. JULIEN: And the last question before I turn it over
2 to other people, do you have any idea about the comparison of
3 the success of Native American students in the Flagstaff
4 public schools as compared to the Native American students in
5 the reservation type of schools, the success rate as they move
6 through school?

7 MS. KASCH: The success rate I believe is higher for
8 students attending Flagstaff school district than, you know,
9 on the reservation.

10 MR. PAZ: It looks like you are really moving forward in
11 that area.

12 You mentioned a lot of programs and Native American
13 students are attending them through high schools.

14 Are they equally distributed to the high schools or
15 do you have one or two high schools that have more Native
16 American students?

17 MS. KASCH: I think they are equal in that -- let's see,
18 over at Flagstaff High School they have about 275 Native
19 American students. At Coconino High School they have about
20 300, 310. But over at Sinagua High School, and that school is
21 smaller than the other two high schools anyway, but the
22 population of Native American students is about 150 there.
23 Now, they come in from Leuppe. Flagstaff High School, of
24 course, the majority of the students come from the dormitory,
25 and then Coconino High School draws students from Cameron.

1 MR. PAZ: So how they attend high school is a system
2 based on location?

3 MS. KASCH: Pretty much, yeah; and then with the
4 Flagstaff High School, it is open. We have a few students
5 that live in Leupp that choose to go to Coconino High School,
6 and they are provided transportation. Once they get into
7 Sinagua, there's a bus that runs over to Coconino High School
8 and it drops them off there.

9 MR. PAZ: Earlier this morning we had the police chief
10 make a presentation to us, and he sort of surfaced the issue
11 of alcoholism to be a major, major -- have a major impact in
12 the Flagstaff area. He also mentioned recycled people as
13 referring to our Native American population that come in and
14 get involved with the law through alcohol problems.

15 Do you have any programs within the school district
16 to work with parents to address this issue that the chief
17 identified be a major problem of the Native American people?

18 MS. KASCH: I suppose I would have to -- some of the
19 areas that we continue to strive to work towards is parental
20 involvement. We -- the incidences of alcoholism, there are
21 Native American counselors at the schools who provide an
22 avenue for the students to -- they do referrals to outside
23 agencies. But to say that we have a program that helps, you
24 know, parents in this particular area, no, we don't at this
25 time. Those are channeled through the schools with the

1 counselors, and then they may be referred to maybe peer
2 counseling or maybe an outside agency. For example, they may
3 be referred to NACA which is the Native American Community
4 Action which is the local organization where they have
5 counselors that have different programs to help adults, and
6 families and students to address some of those needs. But
7 within our own program we really don't.

8 MR. PAZ: The English Only initiative is surfacing and
9 I'm very, very curious, interested, to find out your point of
10 view as representing your district of how you are going to
11 address that issue, because all of your programs described to
12 us might be affected by this initiative should it pass. But
13 what is the district's stand or how they are going to address
14 this issue taking into consideration your rich culture,
15 background?

16 MS. KASCH: It's going to be a sad day, definitely. You
17 know, personally I think to do that would be a real disservice
18 to the success of the students regarding their academic
19 performances and their feeling of pride and their identity as
20 a culture. Our country is rich, you know, with the type of
21 cultures that we have; and to say that this is the only means
22 of, you know, addressing them I think is really the wrong
23 direction.

24 You know, in Europe people they may speak in five
25 languages, and here we are trying to ask people to speak only

1 one language. So overall I think it is really a disservice;
2 and our students, we have begun programs that we know has
3 helped them to become successful academically and also given
4 them their personal identity. At this point in time there are
5 more and more students that come to school speaking English.
6 But in terms of the culture itself, it is a wide range; we
7 speak on a continuum. We have the very traditional to the
8 very contemporary. And one of the needs has been to bring
9 back and preserve our culture. It's a part of the country;
10 it's a part of who we are as a people. And to not have that
11 is just really wrong. And I suppose that -- I guess I'm
12 betting that it won't pass; and how we will address it I guess
13 is we are sort of waiting to see, you know. I'm not prepared
14 to answer that question.

15 MR. PAZ: You answered it quite well. I'm very
16 impressed. I'm just going to ask you one more.

17 Would you consider the word recycled people a type
18 of profiling?

19 MS. KASCH: Recycle? That's the first time I've ever
20 heard that. I don't know. I guess it has sort of a negative
21 connotation personally; you know, to be recycled. I'm not
22 really sure what it means. Recycling I would attribute to,
23 you know, how we take paper and put it somewhere and hope it
24 comes out better. I don't know.

25 MR. PAZ: It was surfaced here this morning. Thank you

1 very much.

2 CHAIRPERSON WEBB-VIGNERY: Mr. Osborn.

3 MR. OSBORN: Thank you, Madam Chairman.

4 Miss Kasch, Mr. Paz has referred to alcohol
5 problems.

6 Are you aware of any other chemical problems, drug
7 problems, that are of serious concern to Native Americans in
8 the school system?

9 MS. KASCH: I don't think that that is just Native
10 Americans. I think that is something that is across all
11 students, you know, trying, and some of them reach a point
12 where it is at a severe level. Native American students are
13 no different in that particular area; alcoholism, you know,
14 use of marijuana, other drugs. It's prevalent.

15 MR. OSBORN: All right. The counselors that you employ
16 on your staff, are they certified teachers?

17 MS. KASCH: Most of them -- yes, they all have a degree.

18 MR. OSBORN: I see.

19 MS. KASCH: And some of them are certified, yes, as
20 teachers. We have one that is state certified as a counselor.
21 When this program began about twenty years ago, it was very
22 difficult to find, you know, a Native American person who
23 would have a degree and in particular a counseling degree or
24 an education degree. And so we have gone by way of the most
25 qualified in terms of, you know, how much they understand and

1 the school system; but it was able to help parents and
2 students with the utilization of their own culture. However,
3 now in looking at the needs of the students academically, we
4 are looking for people who are certified in education simply
5 because there are more people who are certified in teaching.

6 MR. OSBORN: I see. One more question. I'm just
7 curious. How many students live in the dormitories that you
8 have?

9 MS. KASCH: About 250.

10 MR. OSBORN: Is that pretty well filled up?

11 MS. KASCH: They have a waiting list. About 60 students
12 as of Monday.

13 MR. OSBORN: Are there any chances of changing that?

14 MS. KASCH: The structure to house them? It is very
15 small.

16 MR. OSBORN: One more question, Miss Kasch. With respect
17 to funding, you mentioned in your opening statement two
18 federal grants.

19 MS. KASCH: Yes.

20 MR. OSBORN: Are there any local or state funds involved?

21 MS. KASCH: You know, within the district we have had
22 other grants that we have gotten from the Navajo Nation, and
23 there are other federal grants that assist with programs for
24 minority students. Title 1 is one of them. We have
25 prevention programs. We have programs that -- within our

1 districts that are for all students. So I'm not sure if
2 that's what you are talking about.

3 MR. OSBORN: Well, would you say that the funding
4 generally is pretty stable over the years or declining or
5 rising?

6 MS. KASCH: It's declining.

7 MR. OSBORN: Is it?

8 MS. KASCH: Right now, yes. I'm speaking of the two
9 grants that are specifically for Native American students.
10 The Johnson-O'malley Fund, the Title 1 Fund.

11 MR. OSBORN: And they are declining?

12 MS. KASCH: They are, particularly Johnson-O'malley. The
13 Johnson-O'malley funding has been fixed since 1995. They
14 established a fixed funding. There is no more monies beyond
15 that as long as it is fixed.

16 MR. OSBORN: Is it based on a per capita formula?

17 MS. KASCH: Yes.

18 MR. OSBORN: All right. Thank you.

19 MS. JULIEN: Quick follow-up question.

20 What are the ages of the students who live in the
21 dorm?

22 MS. KASCH: High school.

23 MS. JULIEN: And the funding source for the dormitory?

24 MS. KASCH: That, again, is through federal monies, and I
25 don't know specifically.

1 MS. JULIEN: But clearly there is a need or calling for a
2 larger facility if there is a waiting list?

3 MS. KASCH: Yes, for the dorm.

4 CHAIRPERSON WEBB-VIGNERY: Is that funding for and
5 through NAU?

6 MS. KASCH: The building, it's a federal building that
7 was years and years ago the boarding school, and it has slowly
8 been changed into a dorm for high school students. You find
9 others in other cities, metropolitan cities, Phoenix Indian
10 School, and other places such as Holbrook, Winslow. They are
11 all the same.

12 CHAIRPERSON WEBB-VIGNERY: I have one more question.
13 Coming back to the bilingual question, has there been an
14 official position taken by the Navajo Nation or by groups
15 within the community on that issue?

16 MS. KASCH: Yes, and their stance is they don't want to
17 see that passed.

18 CHAIRPERSON WEBB-VIGNERY: Thank you.

19 MS. WORKER: I'm Melanie Worker. I just drove in from
20 Phoenix.

21 CHAIRPERSON WEBB-VIGNERY: And do you have a question?

22 MS. WORKER: Yes, I do have a question.

23 MS. JULIEN: While Melanie gets settled, on the issue of
24 the dormitory, certainly where the students live is important
25 as to how well they do in school.

1 I went through Flagstaff many years ago. Is this
2 the same building and is it in good repair? It must be an
3 older building?

4 MS. KASCH: It's an extremely old building, very old. It
5 has not had any type of renovation, and, yes, I would say that
6 that's a real sore point. It's not a very good place for the
7 students. The conditions are not what, you know, students can
8 go home to, a nice home. So the quarters are very small.

9 MS. JULIEN: So funding could be used?

10 MS. KASCH: Funding could certainly be used to help.

11 MS. JULIEN: When you said it was the old building, I
12 wondered.

13 CHAIRPERSON WEBB-VIGNERY: All right. Melanie, we have
14 about three minutes left on this.

15 MS. WORKER: Okay. My question is mentorship programs or
16 guidance as far as encouraging high school graduates to go to
17 college and continue their education.

18 I know when my parents were in high school, they
19 attended Flagstaff High School, that they were encouraged to
20 go to vocational and technical schools; and I know that my
21 cousins, this is probably five or ten years ago, when they
22 wanted to continue their education beyond high school, they
23 were strongly encouraged to go towards technical or vocational
24 schools as well.

25 How have your programs encouraged professional

1 degrees as far as engineering, nursing?

2 MS. KASCH: Gosh, I would say that it is almost just the
3 flip side of that now, you know, and I have a problem with
4 that because we seem to think that everybody is college
5 material and they are not.

6 We have programs -- we have a program in our
7 district called School to Work Program that provides a lot of
8 different programs within our school district. We have a
9 school wide program on Ground Hog Day where the community is
10 involved in trying to help students see what different areas
11 or occupations are available by taking them to different
12 sites, and they have -- you know, vocational education is a
13 part of the program, and the students are able to go on
14 campus, you know, again, with the dorm they are able --
15 because their timing is better than say the other high
16 schools, not that we can do anything that hasn't already been
17 done; but they are able to take their students on campus and
18 tour some of the different areas.

19 So it is almost to me, I see it that students are
20 encouraged to go to college, and I would like to see the kids
21 have different alternatives to post secondary education.

22 With the school district we have -- the students are
23 available. They can take courses, you know, at the community
24 college as well as at NAU. So that avenue is open for them.

25 MS. WORKER: So the simulation into more

1 professional degrees is encouraged, but you said that
2 everybody is not college bound?

3 MS. KASCH: Right.

4 MS. WORKER: With those people, you encourage them to go
5 to more technical degrees?

6 MS. KASCH: There are alternatives that are given to
7 them, and, you know, depending -- there are teachers that work
8 in that particular area that help them to identify their
9 strengths and identify what areas they are interested in, some
10 job skills, and awareness and opportunities by going to the
11 different communities and to the university to do visitation
12 and observation that's out there.

13 MS. WORKER: Thank you.

14 CHAIRPERSON WEBB-VIGNERY: Thank you for meeting with us
15 this morning; and if you could pull together some of the
16 statistics that were requested and send them to the Los
17 Angeles office which is the regional office.

18 MS. KASCH: Sure, I could do that.

19 CHAIRPERSON WEBB-VIGNERY: Thank you.

20 MR. GATTONE: Thank you.

21 CHAIRPERSON WEBB-VIGNERY: Doctor Catherine Medina.

22 If you would, please state your position for the
23 record.

24 DR. MEDINA: Okay. Dr. Sherry Markel, she's in charge of
25 instructional leadership; so I would like her to join me.

1 My name is Dr. Catherine Medina. I'm the Chair of
2 Educational Specialties. My address is P.O. Box 5774, The
3 Center For Excellence In Education at Northern Arizona
4 University. 86011 is the zip code.

5 MS. MARKEL: And I'm Dr. Sherry Markel, and I am the
6 assistant Chair of the Instructional Leadership Department at
7 Northern Arizona University in the Center of For Excellence
8 and Education. I have exactly the same P.O. Box, Box 5774,
9 Flagstaff 86011.

10 MS. MEDINA: Again, I'm the Chair of Educational
11 Specialties. Educational specialties consist of bilingual
12 multi-cultural education, special education and educational
13 technology. I asked Sherry here today to perhaps provide a
14 more global perspective because she serves elementary ed and
15 secondary ed.

16 What I would like to talk about first is just give
17 you a few facts, and then talk about what NAU and the Center
18 For Excellence in Education is doing to reach native American
19 and Latino communities.

20 First, we know that it is estimated that five
21 percent of our nation's teachers are teachers of color; yet 33
22 percent of our school age population are students of color.
23 In fact, here in Arizona it is less than that. Approximately
24 one-third of our students are minority students, ethnic
25 minority students, and yet we have problems with finding

1 teachers, qualified teachers, to match the cultural linguistic
2 heritage of those students.

3 We also know that less than one percent of
4 enrollment in institutions in higher education is native
5 American. In fact, only one half percent of --

6 MR. OSBORN: I'm sorry for interrupting. Is that a
7 national figure?

8 DR. MEDINA: That's a national figure.

9 MR. OSBORN: Okay.

10 DR. MEDINA: I'll give you some other data.

11 American Indians are a miniscule of less than one
12 half percent of the total number of Bachelor's degrees
13 awarded. Nationwide 48 percent of the American Indians do not
14 graduate from high school. Of American Indians on
15 reservations, only 25 percent are high school graduates.

16 The majority of teachers on reservations are
17 typically non-native American and first year teachers. The
18 Navajo Nation reported employing 1,128 teachers in 1997-'98,
19 and yet only 321 teachers are native American.

20 You will receive a copy of this.

21 With regard to our Latino communities in Arizona, we
22 are one of the top ten states with the largest language
23 minority population. Arizona reported that Hispanic Americans
24 scored below the national average in all areas in all grades
25 on standardized tests. Less than half of the teachers hired

1 in Arizona are a product -- are trained in Arizona. That's as
2 of 1998.

3 So what I would like to talk about right now is
4 CEEs, the Center for Excellence in Education's commitment to
5 providing opportunities for our native American communities
6 and our Latino communities and our partnership with public
7 schools.

8 Let me hand this to you. I think it will be easier.
9 You need to see what we are doing.

10 Currently we have approximately ten federal grants
11 that target Native American communities and Latino
12 communities. What we have known about teacher education and
13 the recruitment of ethnic minority teachers is that we have a
14 very difficult time at NAU with retention. You know, many
15 cases we have up to 30 percent failure rates in the freshman
16 year. So what we have done in the Center for Excellence is
17 started a statewide outreach.

18 CEE, we are located in over a hundred communities.
19 Our statewide outreach is throughout all of Arizona from the
20 southern region to the northern region.

21 If you look at this handout, you will see some of
22 the programs that we have instituted -- I'm sorry, not
23 instituted -- some of the programs that we have that primarily
24 serve Native American and Latino communities. For example,
25 the Rural Special Ed -- the DREAMS project. It's a

1 field-based project that is located into the city on the
2 Navajo-Hopi communities and in Yuma.

3 What we do with many of our programs is we hire
4 professors to service certain areas in which we recruit
5 paraprofessionals. What we do know is most of the
6 paraprofessionals in high minority schools have the linguistic
7 and cultural background of community. So we have instituted
8 many of the grow-your-own programs where we go into the
9 community and we recruit teachers -- we recruit students out
10 of the schools, paraprofessionals, and we provide the classes
11 in the communities where these students live. We have
12 programs on Navajo, Hopi, Yuma, Tucson and throughout the
13 state.

14 What you have right here is an example of all our
15 partnership programs and identification of how we are meeting
16 the needs of Native American and Latino communities. We have
17 received national recognition and awards for our commitment to
18 Native American education. We are one of the top universities
19 in the United States serving Native Americans.

20 I don't know what you want to know.

21 MS. JULIEN: I know one time the Flagstaff public schools
22 and NAU had a partnership that allowed teachers to gain ESL
23 certification without the expense of the tuition.

24 DR. MEDINA: Flagstaff has -- I don't know if it's a
25 formal partnership, but Flagstaff schools send their teachers

1 to us for the most part for ESL certification. They pay --

2 MS. JULIEN: Flagstaff public schools pays the tuition?

3 DR. MEDINA: Pays the tuition for the students.

4 MS. JULIEN: And that still happens?

5 DR. MEDINA: That is still in place.

6 MS. JULIEN: Any teacher in the Flagstaff public schools
7 can become ESL endorsed tuition free?

8 DR. MEDINA: I don't know how Flagstaff decides who gets
9 ESL endorsed, but it is my understanding that all teachers are
10 required to get ESL endorsed, and there are monies available
11 from FUSD to pay tuition.

12 DR. MARKEL: And I would add the Flagstaff Professional
13 Partnership that was housed at Christensen, and that was begun
14 in the '80s. That was a pilot program. And the way that
15 worked was that the teachers would be mentors to our
16 university students, and in return for that they got stipends.
17 So that they would trade those in for the classes, and that
18 was where they originally started having the ESLs.

19 DR. MEDINA: And that is still in place where a mentor
20 teacher with FUSD has an option of taking the tuition or
21 taking a financial stipend, very small.

22 MS. JULIEN: And second, there are many partnerships,
23 many programs listed that look great.

24 Do you have any data that shows growth over time;
25 that is, an increase in the amount of minority teachers or

1 people who finish these programs, people who enter the field
2 of teaching? Do you have that data?

3 DR. MEDINA: I don't have that data with me, but I can
4 get it.

5 I will give you one example. We had the Pinon
6 project. It's a federally funded project. We had a hundred
7 percent graduation rate, and 50 percent of those students went
8 on to get a Master's degree.

9 In the RAISE program, the program is in about its
10 eighth year. We have graduated probably about a hundred
11 students over that period of time. And so we have a very
12 high -- you know, we have anywhere from probably a 90 to a
13 hundred percent retention rate when we create these
14 partnership programs in the communities where these students
15 are.

16 MS. JULIEN: And then the last of my questions. You gave
17 us some data about the low scores of minority students on
18 standardized tests.

19 What's the correlation between the programs you are
20 presenting to us and improving those scores?

21 DR. MEDINA: I don't have that data, but all of our
22 partnership programs emphasize cultural responsive curriculum
23 and language maintenance organization. I don't have the
24 correlation. I know that the boarding schools are working on
25 that data right now.

1 CHAIRPERSON WEBB-VIGNERY: Mr. Gattone.

2 MR. GATTONE: Thank you. First off, I appreciate you
3 sharing those statistics with us in the beginning, although
4 they were frightening to me and I think dismal at best.

5 DR. MEDINA: Yes.

6 MR. GATTONE: It is my hope and desire that that
7 situation will change drastically, and I think that it does
8 not bode well for the future of our education system in this
9 country considering that at least the way demographics are
10 going, people who before we considered to be minorities in
11 this country will be the majority within what, twenty years.
12 So we, obviously, as a society have a lot of work to do,
13 because I feel that situation is only going to get worse as
14 the demographics change.

15 But as to a question, I noticed you said that the
16 ten programs that you have listed on the handout here, all of
17 which look tremendous, are federally funded.

18 Do you see any threat to the funding for these
19 programs if there is a change in administration in the next
20 few months?

21 DR. MEDINA: Depends who the administration is.

22 DR. MARKEL: There are a couple that aren't federally
23 funded, though.

24 DR. MEDINA: There are several in here that are not
25 federally funded; but for the most part, those that are

1 serving the Native American and Latino communities in Arizona
2 are federally funded programs.

3 CEE has been very successful and aggressive in
4 applying for those grant funded programs.

5 You're right, it will be problematic if the grants
6 aren't available because certainly the resources will dry up;
7 and these wonderful programs that serve as many as a hundred
8 Native Americans in one community, we will all lose out.

9 MR. GATTONE: So there are not readily identifiable
10 alternative sources of funding?

11 DR. MEDINA: No. These are pretty expensive programs in
12 which we pay tuition and books. In some cases we pay living
13 stipends. The students have opportunities, and it's real
14 neat. They are undergraduate students, but they have
15 opportunities to go to national and international conferences.
16 They co-publish with faculty. So they are integrated in the
17 academic community and have opportunities to meet
18 professionals in their fields.

19 So I don't see the University at this time coming up
20 with those type of resources.

21 DR. MARKEL: And yet I would intercede that there are two
22 sites, the Nogales site and the Apache Junction site. Nogales
23 serves a very high percentage of Hispanics.

24 DR. MEDINA: 98 percent.

25 DR. MARKEL: Also, so does Apache Junction; and those two

1 programs are institutionalized within NAU. The Nogales grant
2 will run out this December and yet it is going forward, it is
3 recruiting a new round of students for that program. Apache
4 Junction hasn't been grant funded, and the Leupp program --
5 well, actually it's the on-campus Cohort program. We have a
6 partnership with the Leupp schools and our students serve
7 their practicums out there. That is not contingent on any
8 outside funding aside from NAU. NAU does put its money where
9 its mouth is. It does want to support these programs.

10 DR. MEDINA: They are very expensive programs, and many
11 times we deal with small cohorts. For example, the RAISE
12 program, we have big team students. So those students have
13 intensive interaction with faculty and travel with faculty.

14 CHAIRPERSON WEBB-VIGNERY: I have one question.

15 Has the Board of Regents been made aware of these
16 programs, and has there been any -- if they have, has there
17 been enunciation of support for continuation of another source
18 of funding?

19 DR. MEDINA: A report was written about a month ago from
20 the Grants and Contracts office that was presented to the
21 Board of Regents outlining the programs that we have. I have
22 not received feedback. I don't know if the dean has.

23 MR. PAZ: Dr. Hager presented a pretty bleak picture
24 about teacher shortage and teacher preparation and also at one
25 point was saying they appeared to be pretty much on the road

1 to responding to the community's needs.

2 Now, is there any data that the Center for
3 Excellence has accumulated that show that they are helping
4 with that dilemma of teacher preparation, teacher shortage?

5 And also, back to the standards, the Center for
6 Excellence has perhaps become quite successful because of
7 federal funding, but what is the University's commitment to
8 continuing the program to address the teacher problem and, of
9 course, the student problem?

10 DR. MEDINA: I think at NAU it is in the mission
11 statement of NAU to serve diverse communities and outreach
12 efforts to rural and underserved communities. I think you see
13 it in every single program on the college that we are activity
14 involved in soliciting or recruiting people who have
15 traditionally not had access and equity in higher ed.

16 We offer another program. Let me tell you about
17 that of how we are doing it. We have institutionalized a
18 summer enrichment program in which we work with middle school
19 students, and we bring those middle school students on campus
20 every summer for approximately two and-a-half weeks. If they
21 stay in the summer enrichment program and earn good grades,
22 NAU has committed to providing all those students with
23 scholarships to NAU. So I think there is a large commitment.

24 And you are right. Since we have been so fortunate
25 in federal funds, we have more opportunities -- I think one

1 reason we haven't institutionalized all these programs is
2 because we have been very fortunate in receiving federal funds
3 year, after year, after year to maintain the programs.

4 DR. MARKEL: I would note, though, what I know from
5 instructional leadership and the classes that we offer which
6 is probably the biggest bulk because it's all elementary
7 education and secondary education, during the Fall and Spring
8 semesters we have between ten and 15 percent is about the
9 average of Native American students that make up our
10 population which is fairly reflective of the community;
11 but during the summer months we have a range that goes all the
12 way up from 40 to 70 percent of our Native American students
13 who come on campus to do their course work.

14 So we are reaching out and we're actually bringing
15 them to campus.

16 DR. MEDINA: And the percentages are probably a little
17 higher in my department. For example, we graduated I believe
18 150 students this past year with a Master's in bilingual and
19 multi-cultural education. Most of these students go back to
20 their communities and become leaders in their own community,
21 and those communities are primarily on the Navajo Nation.

22 So FUSD may be experiencing a shortage, but many of
23 our outreach efforts are on the Navajo Nation and the Hopi
24 Reservation and in the southern region to where students come
25 out and then they go back.

1 MR. PAZ: Should the English Only initiative become a
2 reality, there would not be a purpose for the Center for
3 Excellence with respect to bilingual education and language
4 acquisition.

5 So would NAU just simply take the leadership and
6 address it no matter what?

7 DR. MEDINA: I believe my department would take the
8 leadership and address it no matter what. We are for language
9 maintenance and revitalization. My department has taken a
10 stance on that. We are working now with community leaders,
11 students and citizens on the Proposition 203. We are holding
12 lectures and forums to try to make people aware of the
13 implications. NAU has always -- the Department of Educational
14 Specialties is strongly committed not only to bilingual ed but
15 ESL. We see them as being -- ESL falling under bilingual ed.

16 For example, one of our programs that we did this
17 past summer is we had 30 students in the math and science
18 curriculum class in BME in which we taught that class in
19 Navajo; and the non-Navajo students had to wear headphones and
20 get the interpretation, and it was cultural responsive.

21 So we support language maintenance and in many cases
22 revitalization where language has been lost, native language.

23 MR. PAZ: We're not questioning the fact that minorities
24 do need to be addressed in terms of standards. I'm talking
25 about the AIMS now.

1 Both ASU and U of A has been quite critical of the
2 AIMS but for different reasons.

3 What is NAU's response to the AIMS?

4 DR. MARKEL: So far it does seem as if the AIMS needs to
5 be reworked, and it does seem as if this was a test that was
6 constructed without input from educators, and that was a
7 mistake.

8 DR. MEDINA: And I think the new challenge is the AEP,
9 Arizona Educators Proficiency exam, which is in a crisis state
10 right now. I think it's been revamped again.

11 MR. GATTONE: In that people were unable to pass it?

12 DR. MEDINA: No. I think they have some preliminary data
13 out on the scores. The scores mean nothing since they haven't
14 been normed and they haven't been tested for validity. So we
15 have numbers, but we don't know what the numbers really mean.
16 But I think the Department of Ed, we didn't give -- we
17 didn't -- we didn't provide sufficient time to develop the
18 test, and so I think that it is being reexamined. It is being
19 reexamined.

20 CHAIRPERSON WEBB-VIGNERY: Would you say also to test the
21 test?

22 DR. MEDINA: Exactly. I was trying to be polite.

23 MS. JULIEN: I would like to follow up on the standards
24 and AIMS question.

25 I understand that there are concerns about the AIMS

1 exam. However, the AIMS exam is reality out there in the
2 public schools and it's a reality for our kids.

3 So knowing that, you gave us data about 45 percent
4 of the teachers on the reservation are non-native or first
5 year. That means those first year teachers need to be
6 excellent teachers when they hit the classroom and they need
7 to be prepared to teach the students the standards because
8 regardless of how we feel about the test, the kids are being
9 held accountable.

10 How is NAU preparing teachers to hit the classroom
11 running with strategies to provide students with standards
12 education?

13 DR. MARKEL: I will take that one since they're
14 elementary ed teachers. They now have to pass a proficiency
15 test in our mathematics instruction methods. They have to do
16 a content knowledge specific. They also have to take --

17 MS. JULIEN: All of them?

18 DR. MARKEL: All of them. They also to have take an
19 evaluation of a learning course in which we have beefed up the
20 content of that. So that teachers are beginning to understand
21 what is being tested, why it is being tested, what do the
22 results mean, so they have a better idea what the test is
23 about.

24 MS. JULIEN: What about reading instructional strategies?

25 DR. MARKEL: That's the very first semester that they

1 begin their course work at our college. They have nine hours
2 in reading instruction. And then there's another subsequent
3 class, another three hours. So it's a total of 12 hours.

4 DR. MEDINA: I think what is important to note is all of
5 our syllabi, the objectives are lined up to the standards
6 where our students will see objective one, you know,
7 knowledge of legal and social implications, whatever, and then
8 the say Standard 9.1 or 8.2. And so the students receive a
9 copy of the standards and they see how the objectives of the
10 course are lined up to those standards.

11 MS. JULIEN: The Arizona state standards?

12 DR. MEDINA: Yes.

13 CHAIRPERSON WEBB-VIGNERY: Thank you. We have a possible
14 three minutes left.

15 Melanie, do you have something you would like to
16 ask?

17 MS. WORKER: I think as far as the outreach program, do
18 you target high school juniors or seniors as far as coming
19 into the program or giving them an incentive to do -- what
20 kind of programs do you have?

21 DR. MEDINA: The high schools get a mailout, but more
22 importantly with our summer enrichment program we started, I
23 believe, with the eighth grade, it's in two years, and we
24 increase every year, the grades go up. And also I believe for
25 the first time the Center for Excellence in Education is

1 looking at identifying freshman university students early on
2 as education majors as opposed to pre-ed or other, and not
3 waiting for them to come in the junior level.

4 One thing we are doing, we have close contacts with
5 principals and superintendents throughout the northern Arizona
6 region and southern region in which we meet with principals
7 and superintendents for outreach efforts.

8 For example, I was at a BIA meeting last Wednesday
9 with seven principals and the superintendent, and the next day
10 I had 32 new enrollments.

11 MS. WORKER: Basically as far as the Native American
12 movement from high school to college, having no incentive I
13 think is a problem as far as Native American enrollment, and I
14 know with -- if it's not presented to you at that time, it's
15 really tough to get the Native American students to enroll in
16 the universities because they feel they have no direction,
17 lack of information. I know that's one of the biggest
18 concerns that I'm aware of. It's tough because of the
19 language barrier and because of the cultural barrier.

20 But those are the type of programs that I think are
21 important, and that's what my concern is. What type of
22 outreach programs do you have for the high school students?

23 DR. MARKEL: There is a very active component through
24 statewide of advisors that go from the NAU campus out through
25 all of the reservations, and meet at the community colleges to

1 advice those students, those one and two year students, as to
2 what the options might be and what scholarships, because they
3 provide a scholarship to any statewide student who is out
4 there who is willing to come to the campus.

5 MR. PAZ: If we could have some data of some of the
6 achievements in terms of student achievements and also teacher
7 training. There is a tremendous outcry for teachers; and I
8 know your success in Nogales very well, but I think that other
9 universities are not doing at least to respond to that need,
10 and we need that data for a comparison.

11 DR. MEDINA: What would be helpful, Mr. Paz?

12 MR. PAZ: The amount of teacher training, the amount of
13 instructional aid programs that you have had so that they
14 become teachers, the in-services that have people ESL and
15 bilingual endorsed, and I'm talking primarily in the teaching
16 branch. Districts are saying we cannot find teachers when in
17 reality there are teachers out there.

18 DR. MEDINA: Well, one example of that, we have a program
19 in west Maricopa, and in one week we were able to partner with
20 three school districts who asked for our services for ESL
21 endorsement. We have three cohorts of teachers going through
22 an ESL endorsement out of west Maricopa.

23 So we will get that for you.

24 CHAIRPERSON WEBB-VIGNERY: Okay. I want to thank you
25 very much.

1 MR. GATTONE: Thank you.

2 CHAIRPERSON WEBB-VIGNERY: Our next speaker is Michael
3 Fillerup.

4 CHAIRPERSON WEBB-VIGNERY: Could you please give us your
5 name, and the group you represent and your address for the
6 record?

7 MR. FILLERUP: Okay. My name is Michael Fillerup. I am
8 the bilingual and English as a second language supervisor for
9 the Flagstaff Unified School District.

10 Do you want my home address?

11 CHAIRPERSON WEBB-VIGNERY: Well, an address.

12 MR. FILLERUP: 3285 East Sparrow, Flagstaff 86004.

13 CHAIRPERSON WEBB-VIGNERY: And if you have a prepared
14 statement, would you please present that and it will be open
15 to questions.

16 MR. FILLERUP: Well, I was informed that they wanted me
17 to tell a little bit about what the Flagstaff Unified School
18 District is doing for its language minority students.

19 We have about 1500 students who are classified as
20 limited English proficient. We have in any given year
21 anywhere between 20 and 30 language groups in our district.
22 The district has about a little over 11,000 students for a
23 total student body. So we have anywhere between 20 and 30
24 language groups depending on the year.

25 The most predominant second -- or language minority

1 group is Navajo. About 70 percent of our limited English
2 children have Navajo as their home language. The next largest
3 group would be Spanish, about 15 percent, and then Hopi would
4 be the next largest group, about three or four percent, and
5 then the remainder would be languages from all over.
6 Cantonese; you name it, we got it.

7 The mission statement for our programs for language
8 minority students or as we call them our alternative language
9 programs states that we are trying to provide an equitable
10 opportunity for all of our language minority children to
11 maximize their potential, and the operative words there being
12 equitable opportunity. We believe very strongly that no child
13 should be deprived of an educational opportunity solely
14 because of their lack of proficiency in English.

15 An excellent example of this is programs for gifted
16 students. Just because a child does not speak English
17 shouldn't preclude them from being in the gifted program.
18 Number one, giftedness is not solely a function of language,
19 and more specifically it is not solely a function of your
20 ability to speak the English language.

21 In terms of maximizing their potential, we have
22 students of all different ability levels. They come under all
23 types of circumstances. We have some students who are very
24 proficient in their native language who come from other
25 countries. They have had a very rich academic background and

1 can read and write their Native language. And we have other
2 students who come to our system who not only do not speak
3 English, but they have never been to school before. So in
4 some cases we have students in high school who don't speak
5 English and also have very little formal education. So we are
6 looking at two tasks: Teaching them English, but also doing a
7 tremendous remediation academically.

8 We have four basic programs that we use to address
9 the means of our language minority children. One is called an
10 ESL inclusion program. We actually started this about ten
11 years ago after repeated attempts to, and I'm going to use
12 this word, we would segregate non-English speaking students,
13 put them all together in the class and teach them English; and
14 we found that the students, they would not integrate with the
15 mainstream when they went out into the playground, they all
16 hung together, and they never really made the transition to
17 English.

18 So we did away with that about ten years ago, and
19 since then have developed an inclusion program. It's based on
20 the philosophy that if you want to learn another language, you
21 have to interact with speakers of the language.

22 So since that time we have had a massive effort to
23 have as many of our classroom teachers become ESL certified as
24 possible. We now have over 120 students who are fully ESL
25 certified, and we have a number of others who are

1 provisionally certified working towards their full
2 endorsement.

3 The philosophy is based on the premise that if a
4 teacher is appropriately trained, they can provide appropriate
5 instructional strategies in the classroom for the second
6 language learners throughout the school day. So instead of
7 getting 45 minutes of ESL in a pull-out situation, the child
8 gets six hours a day of intensive input or not so intensive
9 learning instruction. It's also based on the premise that any
10 child regardless of their language ability can participate in
11 all classroom activities from their first day. They may not
12 be able to participate at the same level as a fluent English
13 speaker, but they can still participate.

14 This particular model has really been developed over
15 the last several years by two of our teachers at Marshall
16 School, Jim Novak and Paige Ballard, and their program has
17 received national recognition. They gave a presentation at
18 the National Hispanic Conference a year and-a-half ago and
19 they have done numerous presentations throughout the state.
20 And it's been a very successful model because the non-English
21 speaking students interact with English speaking students
22 throughout the school day; and the teacher has very high
23 expectations for these non-English speakers and has them fully
24 integrated into the academic mainstream.

25 Now, as I'm saying this I should also point out that

1 philosophically I believe that every child in our American
2 school system should be taught in two languages. I believe
3 that the greatest deficit in my own education is the fact that
4 I was only taught to speak, read, write and think in one
5 language.

6 So we also have a dual language program, a
7 Spanish-English program at Killip's School, and in this
8 program -- the beauty of the dual language program is you do
9 not segregate students. You have half of your students who
10 are native English speakers, and the other half are native
11 Spanish speakers. They are taught for half a day in English
12 and half a day in Spanish. The two groups interact throughout
13 the school day. So the Spanish speakers learn English through
14 their interaction with native English speakers, and the
15 English speakers learn Spanish through their interaction with
16 native Spanish speakers. The program is not perceived as
17 remedial but enrichment.

18 So you have a group of language minority students
19 who in the past have been considered problems to be solved. I
20 think that's one way of putting it. Suddenly they become the
21 resident experts for at least half the school day.

22 So it's a wonderful model. The research has shown
23 that for language minority students, this is the best model
24 for them not only to improve their English language skills but
25 also their academics. So we have that program at Killip's

1 School.

2 We also have -- about three years ago we did some
3 testing at Leupp School which is the one school in the
4 Flagstaff School District that's actually located on the
5 Navajo Reservation, and in this school the population is about
6 99.9 percent Navajo. We did some testing three years ago and
7 we found that less than one out of ten of those students could
8 speak the Navajo language. And I know that this is a big
9 concern of the Navajo tribe and the Navajo people that if
10 something is not done to revitalize the Navajo language,
11 within another generation it will be lost.

12 We still have enough speakers of the language to
13 work towards revitalization to teach this younger generation
14 and save it. It is essential that we have the programs now.

15 So we received a Title 7 grant, and two years ago
16 implemented a Navajo language immersion program at Leupp
17 School. So the students are taught in Navajo for a good
18 portion of the day. They are taught in different subject
19 areas. We have a Navajo basic curriculum so that all of the
20 state's standards are taught initially from a Navajo
21 perspective and it integrates Navajo culture.

22 Some of the different initiatives that we have at
23 that school, last year we built a male sweat lodge and a
24 female sweat lodge, and students perform in traditional sweat
25 ceremonies as part of kind of a culturing mentoring

1 initiative. We are in the process of building a traditional
2 hogan out there that will serve as a parent center and a
3 resource center.

4 The students as part of their activities they go
5 into the community, they interview the old people and they do
6 CDrom presentations. So we are trying to make a bridge
7 between the traditions of the past with modern technology of
8 the present.

9 One of the most exciting things that we've done
10 recently, we have just received another Title 7 grant to start
11 a bilingual magnet school here in Flagstaff, and to my
12 knowledge it will be the first of its kind in the country
13 because it will offer students the opportunity to be taught in
14 English and Spanish or in English and Navajo. And we will
15 have two parallel programs. This will be implemented in the
16 fall of 2001 and it will provide an opportunity for Navajo
17 children in town and other students as well to -- for Navajo
18 students to learn the tribal language and for other students
19 to learn the Navajo language; and it will also provide an
20 opportunity for individuals to learn the Spanish language if
21 they would like that opportunity.

22 Our big plan for this is for the school to
23 eventually go K-12 adding a grade each year, and it provides
24 another option, another choice, for parents if they are
25 interested in that type of education for the students.

1 I'm really excited about this because once again it
2 takes our language minority children and it puts them in the
3 role of the experts, and it provides a learn environment for
4 them where they can flourish.

5 Do you have any questions? I could go on.

6 MS. JULIEN: Is the AIMS written in Navajo from 3rd
7 through the 8th grade?

8 MR. FILLERUP: No, and that is one of my pet peeves.

9 MS. JULIEN: Because it is in Spanish.

10 MR. FILLERUP: It is.

11 MS. JULIEN: So there is no Navajo form of the AIMS?

12 MR. FILLERUP: No, and there should be. There's an
13 inherent inequity there.

14 MS. JULIEN: Okay. What do you think the incentive --
15 you've got great numbers of your teachers ESL certified.

16 Other than not having to pay for tuition, what is
17 the incentive for the teachers to become ESL certified?

18 MR. FILLERUP: We offer a thousand dollar stipend when
19 they become fully certified.

20 MS. JULIEN: The school district offers that?

21 MR. FILLERUP: Right, the school district.

22 And I need a point of clarification. We paid for
23 ESL course work up to about, I think it was about three years
24 ago, and at that point in time we made a decision are we going
25 to continue to pay for ESL course work indefinitely or are we

1 going to give a stipend. Now, the stipend when you get over
2 a hundred people at a thousand dollars a pop, you are going to
3 need a lot of money.

4 We went to the stipend for several reasons. We
5 found that when you are paying tuition we would have teachers
6 go through our system, get certified and then leave.

7 MS. JULIEN: So they are paying their tuition?

8 MR. FILLERUP: Well, we have Title 7 monies that provides
9 -- we have a limited number -- a limited source of funding for
10 that. That Title 7 provides us roughly around \$35,000 a year,
11 and that goes to the Leupp School first, and if there are
12 additional monies, then it can be used by other schools in the
13 district. So Leupp typically uses a little over half of that.
14 So we have some funds.

15 But the stipend has been a wonderful incentive
16 because we've actually had two persons who took all the course
17 work at District expense and then said well, I'm not sending
18 my \$30 to get certified. The stipend solves those types of
19 issues. They send you your certification and you get
20 endorsed, and then you get your stipend. It also rewards the
21 people who are here who stay once you get certified. There's
22 more initial investment, but if you stay with the district
23 over a ten year period, that's 10,000 more dollars for you.

24 MS. JULIEN: Let me understand that. That's not a one
25 time stipend?

1 MR. FILLERUP: No, that is every year. That is every
2 year.

3 MS. JULIEN: Wow.

4 MR. FILLERUP: So it's a much better deal if you are
5 going to stay with our district; and when we initiated the
6 stipend suddenly we had not hundreds but lots and lots more
7 people getting certified. So it's been a wonderful incentive
8 and a lot more effective in paying for all the course work.

9 MS. JULIEN: Since you have begun the ESL inclusion
10 model, have you seen students moving out of the LEP category
11 at a faster rate than before you had the inclusion?

12 MR. FILLERUP: No, I really don't have data. However, I
13 will say this: We have to keep track of students who have
14 exited each year and monitor their progress for at least two
15 years. In the past I could put all those names on one sheet
16 of paper. This year I've got three sheets of paper. We have
17 a lot more students exiting the program.

18 We will be doing official number crunching this year
19 in terms of the number of students who are exiting compared to
20 the number of students who have been in the program. I do
21 know this, that when I go to the different inclusion
22 classrooms to monitor the speakers, I see them interacting
23 with many other speakers. I don't see them just hanging
24 together during the lunch hour all the time. That varies from
25 school to school, but I know in the past it was that ESL

1 classroom was like a classroom, and we had students who they
2 just didn't want to leave because they felt very comfortable
3 there, and they never really integrated into the academic
4 mainstream.

5 MS. JULIEN: And in your opinion, what would be the
6 impact on our second language learners if the English Only
7 initiative passed?

8 MR. FILLERUP: I think it would be terrible. It would be
9 a terrible thing not only for the language minority students,
10 but for all the students. It would eliminate the opportunity
11 for anyone to be taught two languages. I think it would be
12 devastating to our American Indian languages, and this is
13 something that is really left out of this whole equation.

14 With these Navajo language and other American Indian
15 revitalization projects, it would drive a stake in the heart
16 of those. And when I hear comments like this English Only
17 initiative will be a great thing for Hispanic students, number
18 one, I don't think it is; and number two, we have a lot of
19 other minority groups other than just the Hispanic population.

20 And I've already told you how I feel about students
21 being taught in two languages and how I feel about students
22 being exposed to different cultures.

23 MR. GATTONE: I think it is important, too, that we are
24 probably one of the only countries -- well, I've come in
25 contact with a lot of people from European countries,

1 especially western European countries, and we are one of the
2 only countries that does not strongly encourage as a regular
3 part of their curriculum to know a couple of languages. I
4 have traveled Central and South America and that's the norm
5 there, too, that educated people know and feel its just
6 natural to know a few languages.

7 MR. FILLERUP: We are the only industrialized country in
8 the world that views bilingual language as a disease.

9 And then there's the other thing, this phobia about
10 the Spanish language taking over English and no one will speak
11 English any more. That is absolutely absurd. English is the
12 language of Hollywood, MTV and money. It is spoken all over
13 the world. I mean there is no way that the English language
14 is in jeopardy.

15 Now we have other languages that are in jeopardy.
16 The Navajo language, for example, the Hopi language and these
17 languages.

18 MR. PAZ: I do see your resume, but to understand your
19 passion, can you give me a little background on yourself?

20 MR. FILLERUP: I was raised in southern California in a
21 white bred neighborhood. I graduated in 1971 from high
22 school, and I got on a plane and flew to the Church College of
23 Hawaii now called UIU Hawaii, and I suddenly found myself a
24 cultural minority. There were 80 different nationalities at
25 that school, and that was my first real experience with

1 different cultures.

2 I graduated from ASU in 1978 with a Master's, and
3 through various circumstances -- I could give you a very long
4 story, but I will keep this as short as possible, but I had a
5 job lined up in Mexico City. I was going to teach English as
6 a second language, and about two days before we were supposed
7 to go down, we had our passports and everything, I got a call
8 from the school and they said we're sorry, but you can't come
9 down right now. We have had a turnover in administration. I
10 said when can I come down, and they said maybe six months,
11 maybe a year.

12 I ran across the street to ASU and on their bulletin
13 board it said wanted ESL teacher Chinle, Arizona. I called
14 them on the phone. They happened to have a rep down there.
15 They interviewed me, and two days later we were driving up to
16 Chinle. We'd never been on the Navajo reservation before.
17 Our friends told us terrible stories. They said the
18 cockroaches are this long (indicating).

19 MR. GATTONE: And you eat them, too, right?

20 MR. FILLERUP: Yeah. And when the wind blows, the sand's
21 so quick you can't see your hands in front of your face. They
22 said it looks like a room with a bad sunburn.

23 So, you know, we drove up and there were big
24 beautiful cottonwood trees, and I said this is not too bad.
25 We had a car with no air conditioning. It was August; so it

1 was really hot. When drove into Chinle it looked pretty
2 bleak, I have to admit. And I had a job at the junior high
3 school. I pulled into the first school I saw. It was three
4 o'clock. Got out of my car, the bell rang, a door opened, and
5 this ocean of kids with black hair, cowboy boots and blue
6 jeans pulled out of this building. I took one of them by the
7 hand and I said, "Is this the junior high school?" He looked
8 at me and said, "Oh." I said, "Oh, what; oh, yes or oh, no?"
9 And he goes, "Oh." And I said must be a special education
10 kid. So I grabbed another one and said, "Is this the junior
11 high school?" He said, "Oh." And I thought I found a special
12 ed school.

13 Well, I finally found my way over to the principal's
14 office, and the principal was one of these guys who had been
15 out there 999 years; and he had a bolo tie and he had cowboy
16 shoes on. And he was sitting behind his desk, and he goes,
17 "Mr. Fillerup. You've seen it. Are you going to stay?" And
18 I said, "Oh, sure. Masochism runs in the family." And he
19 said, "Well, that's a good thing because some people come up
20 here, they take one look and turn around and they drive away."

21 The irony of this whole story, my wife and I and our
22 little daughter had been living in graduate student property
23 for the last two years. They took us to this wonderful
24 three-bedroom trailer. It was brand new. We even had a swamp
25 cooler. They opened it up and said sheepishly, "Well, is this

1 going to be all right?" And we said sure, why not. This is
2 uptown for us. This is a big step up.

3 I have one story to tell you. I really wanted to
4 learn the Navajo language. So they had a bilingual lady that
5 was teaching at the junior high school, and I was always
6 asking how do you say this in Navajo; and after about a month
7 I got to where I thought I was pretty good at the language.
8 So Rudy took me out to visit his grandmother one day, and she
9 was one of these, you know, traditional women with the velvets
10 and the brass and everything. So I wanted to show off. So I
11 go up to her and say hello, my grandmother. She goes hello,
12 my son. And I wanted to ask her how many sheep do you have,
13 but instead of how many sheep do you have, I said how many
14 breasts do you have. And my friend goes no, sheep. That was
15 my introduction to the Navajo language.

16 We ended up staying in Chinle for six years; and
17 three of my children were born there, and we absolutely loved
18 it. It was just a wonderful place. I've worked with the
19 Navajo people since that time, and I just have a great love
20 for them.

21 MR. PAZ: The testimony that has been presented to us is
22 very enlightening in terms of the programs, projects and the
23 direction of the Native American education, but I still
24 sense -- my perception is that there is a perception perhaps
25 that still Native American people are a problem in the

1 Flagstaff community with regards to the law.

2 Today we were presented testimony that when we talk
3 about law enforcement, we still talk about Native Americans
4 and there alcoholism problem and how it becomes a statistic.
5 Can you respond to that issue in terms of the perception that
6 still we have a problem with Native American people, and I'm
7 talking about the parents of the children that you are working
8 with and the perception that they are still a problem to law
9 enforcement?

10 MR. FILLERUP: In terms of perception, people develop
11 stereotypes in various ways. I have a brother who works in
12 law enforcement and he works on an indian reservation, and he
13 works with a certain element of that culture, that particular
14 group of people that -- he works with bad guys. I work with
15 all the good guys; and my brother's perception of American
16 Indians is very different than mine. And even though he knows
17 it on an intellectual level, that I think people develop
18 stereotypes and prejudices within their own mind.

19 One of the problems is when people come to -- the
20 people in Flagstaff, they will see an American indian drunk in
21 the park; you know, just passed out in the park. And they see
22 that and they will generalize that to all American indians.

23 The ones that I work with are not like that.

24 So in terms of when we talk about perception,
25 perception is one thing. The reality is quite different. As

1 I say this, I also realize that the American indians have the
2 highest alcoholism rate in the country.

3 I think the best way to combat those things is the
4 education. And this is not a District perspection, but our
5 American indian students still score below our majority kids
6 or white majority kids on the standardized test. American
7 indians have a higher dropout rate, and we still have all
8 these negative indicators showing that it is not just a
9 perception and there is a real difference in terms of academic
10 performance and in terms of the success of the school.

11 One of the reasons I'm so excited about the magnet
12 school and some of these other programs is that we have found
13 that with programs in other parts of the world and in New
14 Zealand with the Mauis, for example, that these types of
15 programs are very successful; that students tend to stay in
16 school longer and they tend to do better academically.

17 MR. PAZ: Taking away the word perception, is there
18 profiling on the Native American people here?

19 MR. FILLERUP: By who?

20 MR. PAZ: The law enforcement, police.

21 MR. FILLERUP: I have no idea.

22 CHAIRPERSON WEBB-VIGNERY: We have approximately four
23 minutes left and we haven't heard from two --

24 MR. OSBORN: I will pass.

25 MS. WORKER: I will pass.

1 CHAIRPERSON WEBB-VIGNERY: All right. I want to thank
2 you for meeting with us today and providing us a real good
3 insight on programs which sounds like will be good model
4 programs for other parts of the state. If you have any
5 statistics which you can provide us, if you could send those
6 on to our regional office in Los Angeles we would appreciate
7 it.

8 MR. FILLERUP: Okay.

9 CHAIRPERSON WEBB-VIGNERY: Thank you.

10 MR. FILLERUP: All right.

11 (A recess was taken.)

12 CHAIRPERSON WEBB-VIGNERY: Thank you for meeting with us
13 today, and if you could give us your name and address and who
14 you are associated with for the record.

15 MR. ULIBARRI: My name is Manuel Ulibarri. I live at 3502
16 Alta Vista Drive, Flagstaff.

17 I served on the School Board for eight years. Was a
18 political activist in the community when I came here in 1960,
19 and that is how I got on the Board. I had a lot of concerns
20 about what was going on in our school systems when I was
21 there.

22 I was telling Angela that I had two boys that were
23 student body presidents. Melanie brought up the issue about
24 minority students and how they direct our kids to trade school
25 rather than college.

1 I always told my kids that they would go to college
2 if they could and if they wanted to go, but none of my boys
3 were ever counseled and told that they shouldn't go to
4 college. So I was a little concerned about some of the issues
5 that were going on there, especially when you have two student
6 body presidents and top students.

7 So when I decided to run for the Board, actually I
8 was encouraging other people to go on the Board. I was a high
9 school dropout and still am. I'm also a college dropout
10 because I had six boys and I decided they should go first
11 before I did. But I also had some concerns about the schools.
12 So I was encouraged to run for the School Board. Nobody else
13 wanted to do it. Somebody finally said Manny, why don't you
14 do it, and I said why not. So I got on there.

15 So one of the things I needed to change that I could
16 see when I got on the Board, the Flagstaff schools had an A, B
17 and C list for remodeling, refurbishing, doing additions,
18 repairing our schools. And the first couple of years I
19 noticed that Killip's School, Leupp School and others were
20 always on the C list and they would never climb out of the C
21 list.

22 So I started asking some questions about why. Is
23 there something that can be done to move the schools up so
24 that they could get the same kind of repairs and attention
25 that they needed, and they were badly needed. That was done.

1 That was done by providing what we called then TRISKA money
2 for each of our schools. All of our schools got a lump sum of
3 funds to do whatever they needed to do for their schools.
4 They could add a library, repair their roof. Of course major
5 things we had a general fund; but anything else that they
6 wanted to do deep down, now there is TRISKA money.

7 The other big issue was minority hiring. You know,
8 for some reason we could never find teachers that were good
9 enough to stay in the Flagstaff schools. We had a few but
10 they were scattered about our district. And I would always
11 pose the question why not, and the answer was always well, we
12 try to hire the best, and I said okay. So we had our choice
13 of hiring these teachers.

14 I always thought it was important that our kids,
15 minority kids, have role models. I think role models are the
16 best way to encourage kids to stay in school. I know my kids
17 from a personal experience would come home and say dad, so and
18 so is a senator, so and so is on the Board of Supervisors, so
19 and so is a principal; and I know that if my kids thought
20 about those teachers, that certainly the other kids had to be
21 doing that.

22 So I started pushing for that. What I found out was
23 that our personnel department and our superintendents did most
24 of the hiring. Well, when I started asking for those things,
25 that role finally fell to the principals. So then our

1 superintendent was out of the loop so to speak, but so were
2 the Board members because after all, the only person that we
3 hire is the superintendent. So I couldn't call a principal
4 and say would you higher Mr. Lacata or Mr. so and so as a
5 teacher because we weren't supposed to do that. So I started
6 pushing for hirees on the principal staff, vice principals and
7 other staff members that may have the ability to hire other
8 minorities, and that happened. When I left the School Board
9 we had seven minority principals, two that had been -- nine
10 including the two that had been there a long time and had been
11 promoted, and then other areas where people came in and were
12 able to be the supervisors in the district and whatever of
13 programs that they had.

14 That didn't work as well as I thought it would. I
15 always thought that minorities should -- because that's how I
16 felt, that minorities climbing up should always reach down and
17 help somebody else up the ladder. Well, I don't know if the
18 principals were afraid to speak up or maybe they didn't see or
19 find the minority teachers that I would have hoped they would.
20 So I embarked on another issue and that was hey, we talked
21 about hiring minority teachers above and beyond what our
22 principals did. We started with three teachers the first year
23 and I finally got that going, and went to five the following
24 year. And that following year there was another Board member
25 who was concerned about this program, and the gentleman, a

1 local doctor, had been on the Board before I was, was
2 appointed before I was. We both served eight years. He was
3 always fighting me on some issues, but to my surprise he came
4 to my defense. He said that program is working fine. I think
5 what Manny has done is to be given a chance to excel. So we
6 left it, and today I think that program is still hiring
7 minority teachers.

8 I encouraged our superintendent both to do more with
9 Hispanic and minority counselors. We heard about some of the
10 Native American counselors in the schools now that we didn't
11 have when I was there. Hispanic counselors, I don't know
12 where they are today, but we have had one in each of the high
13 schools.

14 So some of the things that I encouraged to happen
15 did happen. And I say this because I was a political activist
16 in the '60s; you all know that politically I can get a lot of
17 things done. I also come from a community in St. Johns,
18 Arizona, where we were not encouraged to go to school and to
19 go on into college; and I found out the ones that did go on to
20 college still couldn't get good jobs.

21 So to me, role modeling was a very, very important
22 issue. I mean it doesn't matter that you have an exclusive,
23 but if you don't have people that care and that want to help
24 others come up, then it's not going to happen. Role modeling
25 does it even though they don't want help. If you see somebody

1 out there, that alone will encourage kids to say hey, I can do
2 it, too. So, it was very important for me to get that done.

3 Do you have any questions? Well, I might add a
4 little bit because I did want to add a little bit about my
5 personal life.

6 I was a barber when I first come to town, and I did
7 that for 13 years. As I said, I had gone back to school, and
8 during my barber profession, I had a lot of people asking me
9 to apply to work for them maybe because they liked me or
10 whatever, but I got a lot of encouragement. So I finally did
11 sell my barber shop, and I went out and now I'm going to
12 starve to death. But finally I come back. I went back to new
13 construction, and come back into town and I found me a job as
14 a building inspector, as a building official for Coconino
15 County for 18 years. And while there I tried to make some
16 inroads there also. I made sure that my staff was always at
17 least 50 percent minority and that was a little much, but I
18 used to kid with Nancy, our personnel director, all the time.
19 She would ask me, "Manny, where are you finding all these
20 people?" And I says, "Well, Nancy," I says, "first off, I'm
21 trying to keep Coconino County out of hot water. I'm trying
22 to hire minorities so we can fill our quotas." And the others
23 I'd say I'd just look for the best.

24 When I got on the Board, I found that you need a lot
25 of time. You're serving on committees; and especially when

1 you are not getting paid, there's a lot of time being spent
2 there away from your families, away from your business. And
3 so I asked my director if I could make up some time. I says I
4 need more time than what I have as far as vacation and comp
5 time, and I need that to be able to serve on this board and do
6 a good job. And of course he said that was impossible. And I
7 reminded him that there was county employees that served on
8 all kinds of communities and organizations in the community
9 that have done very well, and they also served in -- I didn't
10 think that they were being deducted time for serving on these
11 committees. So I reminded him of that. He said you can't do
12 that. I said okay.

13 So I went up the ladder. There were three members
14 of the Board of Supervisors that were running for office, and
15 since I was very political and had a lot of pride in the
16 Hispanic community, I also ran for the Board of Supervisors
17 after my time with the School Board. Anyway, they believed I
18 had a lot of clout so they asked me to help them. So I, in
19 turn, asked them to help me with my problem. I said I need at
20 least 80 extra hours. I know how the people serve. 80 would
21 do it. If I need to make that up with comp time, I'll do it.

22 After the elections Tony came to me one night and
23 said, how is that going, and I said Tony, it is not. He says
24 well, I talked to the guy. He was supposed to get back to me.
25 I said never mind; just leave it alone.

1 The next day I had my supervisor asking me what it
2 was that I needed and I told him, and I got it. But I also
3 made a lot of people angry, but that was okay because I felt
4 like I needed to do something on the School Board and you
5 can't do it unless you have time. If you can't serve the
6 public like you should, I don't believe a person should be
7 elected unless you are running for something else that is
8 going to benefit the community because that was my issue for
9 being on the Board.

10 But I did that, and finally the county gave me those
11 extra hours, and I think that some of the things that I see
12 today happening at the Flagstaff school district is partly
13 because I was able to accomplish some things.

14 I got word from Dr. Hager yesterday that we have 20
15 new minority hirees for the school year 2000 and 2001. So I
16 think those programs that I tried to instill are working.
17 Thank you.

18 CHAIRPERSON WEBB-VIGNERY: Thank you. Are there any
19 questions?

20 MS. JULIEN: There's 20 new minority hirings. Do you
21 know what sort of jobs they are in?

22 MR. ULIBARRI: Well, they are teacher hirings.

23 MS. JULIEN: They are teacher hirings?

24 MR. ULIBARRI: Yes, ma'am.

25 CHAIRPERSON WEBB-VIGNERY: Could you give a time span for

1 that?

2 MR. ULIBARRI: Well, I served on the School Board, I
3 started on the School Board 12 years ago, and it probably took
4 five years before I was able to get that program instilled.
5 So it took some time to convince the Board, because you have
6 to convince your fellow Board members and the superintendent
7 that it's for the good of the community.

8 MS. JULIEN: Let me make sure I understand. The district
9 hires seven minority teachers and then places them when
10 openings occur, when appropriate openings occur?

11 MR. ULIBARRI: That's correct.

12 MS. JULIEN: Are the principals involved in the selection
13 at all?

14 MR. ULIBARRI: They were supposed to because, you know,
15 we don't want to push people on the principals. They need to
16 have some say so, but they also need to be encouraged to hire
17 minorities.

18 MR. OSBORN: Manny, I want to compliment you on your
19 record of public service. I have served on the school board,
20 and I know in some respects it's a thankless task; but it does
21 take time. It takes a lot of time. So we share that
22 experience at least. You have a nice record of public service
23 and I commend you on that.

24 MR. ULIBARRI: Thank you.

25 MR. PAZ: I just want to know how you see the whole

1 picture now? Not in terms of achievements because that's very
2 obvious. We are getting a pretty good picture of where the
3 district is moving and what's happened. But in terms of your
4 own personal thoughts about how the both school and community
5 has changed or is responding to the needs of minorities.

6 MR. ULIBARRI: Flagstaff like all communities is growing.
7 A lot of people may be -- the neglect of minorities was
8 probably not intended. If you go up to somebody and the
9 perception -- if you know somebody, then, of course, he's
10 always a great guy. If you don't know him, you perceive what
11 you hear from somebody else.

12 There is a lesson for minorities. Unless you are
13 together, then people don't know it; and a lot of people --
14 Flagstaff is like a lot of communities. They have a lot of
15 good people. A lot of people came up to me and said Manny, I
16 didn't know that they weren't hiring minorities. I didn't
17 know that this was happening or that was happening. So people
18 sometimes are not well informed. So unless somebody does get
19 out and they know what's going on, it won't happen.

20 But I think Flagstaff has grown like other
21 communities, and Flagstaff is doing very well.

22 The other thing that I think needs to be looked at
23 is in the state -- and I was telling someone a while ago that
24 I used to tell the teachers in Flagstaff High that you are
25 trying to serve two lots. You keep voting for those guys in

1 the legislature and you say that you are for education, all
2 those guys at the legislature are against education and we all
3 know it. They stop funding, you know, the little bit of
4 things that we needed, and yet they vote them in. And I used
5 to tell them we've got a father, a mother, a brother, you've
6 got a neighbor, you got friends, we could make it work if we
7 just get together and say we are for education and we need
8 those things, but you guys won't do it.

9 I think that's still out there. They just don't
10 perceive it as something that they need to prevent.

11 MR. PAZ: Are you comfortable with just sharing with us a
12 little bit how you would see the community -- and I go back to
13 this issue because it does concern me a little bit -- in terms
14 of the perception with Native Americans. The difference
15 between the perceptions that we have of Native Americans, has
16 that changed at all in the community?

17 MR. ULIBARRI: Yes, I think that, too, has changed
18 somewhat, because I did have a lot of Native American clients.
19 I used to kid with them, too.

20 Raymond Naki (phonetic spelling) who worked for the
21 president of the Navajo Nation, I used to tell him because I
22 used to cut his hair, I said you know what, Raymond, I says if
23 you really want to get things done in Flagstaff for the Native
24 Americans, because at that time they were trying to get a city
25 building for them so they could come in, they could take their

1 showers or do whatever they needed to do, if they had a
2 committee to get together, they could do that. Of course
3 Flagstaff ordered against that. And I told him the best way
4 to get that done would be to put a stop sign there coming into
5 Flagstaff direct it to Tuba City, direct it to Winslow, direct
6 it to Gallup, wherever you want to, because when the money
7 stops flowing into Flagstaff from the Native Americans, then
8 people will listen.

9 Somebody earlier said something about money. Money
10 talks. Money doesn't care who carries it. And of course he
11 says Manny, that is not possible. But, you know, my issue is
12 always you have to put on some pressure and you have to build
13 some respect. And I talked about how things are done at this
14 school board. I think Dr. Hager can agree, I never treated
15 our superintendent without respect or a fellow Board member.
16 I always made sure that I always talked to them with respect,
17 but I was also persistent.

18 I told him, look, you don't have to stop it for a
19 whole year. Just when most people come and spend their money,
20 they don't spend it here because they don't happen to disagree
21 with some things. They will notice how much they miss it. I
22 know I missed it when I was a barber. In the wintertime when
23 construction dries up and the tourists dry up, Native
24 Americans came to my barber shop and kept me alive.

25 MR. PAZ: Thank you.

1 MS. WORKER: My question is what hot issues or disturbing
2 issues do you see as far as affecting minorities, Native
3 Americans, Hispanics, in one or two large schools in
4 Flagstaff?

5 MR. ULIBARRI: Well, certainly Proposition 203 is going
6 to affect Native Americans and Hispanics very much. Now
7 whether we want to obey that law if it passes is something
8 else.

9 MR. GATTONE: You were talking about Europe a while ago.
10 I've been to Europe, too, it's amazing how in Europe they
11 speak three, four and five languages, not just two. And
12 people as I was walking down the street, they knew that I was
13 of Hispanic descent, and the Germans and the Swiss or wherever
14 I was at would come to me and say habla Espanol? And I said
15 yeah. Oh, good. I want to practice how to speak Spanish,
16 because they took it in school and wanted to use it.

17 It's asinine for me to be in the greatest country in
18 the world and you can only speak one language or you should
19 only speak one language. It basically doesn't make sense. I
20 think that's one of biggest problems. If it passes, we're
21 going to have a lot of problems ahead of us. I don't think
22 it's going to work as well as they say or want it to.

23 CHAIRPERSON WEBB-VIGNERY: Well, I want to thank you for
24 coming in and meeting with us today. Hopefully what you are
25 talking about won't become a factor. Thank you.

1 So that brings us to Jessie Rodriguez.

2 MR. RODRIGUEZ: Actually, I thought you were going to say
3 lunch.

4 Do you mind if I don't use the microphone?

5 CHAIRPERSON WEBB-VIGNERY: Not at all, unless people
6 behind you can't hear you.

7 MR. RODRIGUEZ: Is that okay with you all? Thank you.

8 My name is Jessie Rodriguez, and I live at 1717 East
9 Arrowhead here in Flagstaff.

10 When I drove up here, I had an ironic thought. I
11 was thinking in the older days when I used to do this I'd walk
12 into a city council meeting, to a Board of Supervisors
13 meeting, and all I cared about was having at least five
14 friends behind me. Today, all I wanted to make sure was that
15 I have my glasses so that I could look at my notes. Life has
16 really changed a lot.

17 I'm a former educator with the Flagstaff public
18 schools and I taught at Phoenix Union also. I like Manny was
19 a long term member of the Coordinating Council on Mexican
20 American affairs, and currently I'm the Head Start director
21 with the Northern Arizona Council of Governments; and we cover
22 the four counties in northern Arizona, all of those areas
23 except the reservation. So I get to see a lot and hear a lot,
24 and I'm very fortunate.

25 I want to preface my presentation with something

1 that I consider very important. A real good friend of mine
2 and a colleague and a mentor, a former senator, Tony Avabone
3 (phonetic spelling), county supervisor, I remember sitting
4 with him one time in his house, and he said, "Jessie, we live
5 in a wonderful community. Flagstaff is beautiful. We have a
6 lot of problems, but we have a lot of good people here. How
7 could people like myself or you being Hispanic get elected if
8 we didn't have a lot of good people? Volunteer with me." He
9 also taught me that we had a lot of problems, and like Manny,
10 we have to address them and we have to stand up and to be
11 heard.

12 I wanted to tell you that because I also say it for
13 members of the audience because I also have a lot of respect
14 for this community and the agencies that I have had to be on
15 the other side of table with. But yet, you know, like Manny
16 said, you have got to stand up and be heard in order to make a
17 difference.

18 Unfortunately, I'm very tired. I want to spend more
19 time with my grand kids and my kids now than I do fighting
20 battles. And I know that you asked Manny a question about how
21 we see things different, and if you don't mind, I'm going to
22 also answer it now.

23 One of the things that scares me is we went through
24 a lot of difficult times with the coordinating council, and I
25 would like to think that the things that we did on behalf of

1 the Hispanic community we did it on behalf of the Native
2 American, Black, anybody who was oppressed in some way.

3 I think one of the things that I see really
4 different is that we did too much for our children and nobody
5 remembers how to fight any more. It's a very scary thing, and
6 I wanted you to know that was one of the reasons Manny managed
7 to keep me here because actually I was going to go out with my
8 son today to Phoenix from Flagstaff, but he managed to keep me
9 here because I considered this important, and it would be
10 important to thank you for being here because you remind us of
11 what has to be done and I want to thank you for that.

12 You know, I'm not as active as I used to be, and
13 there's a lot of reasons for that; but I want to share with
14 you what I will speak to today that has to do more with maybe
15 just general knowledge because I still pick up the paper, I
16 still listen to people, I listen to the news at least five
17 minutes of it every day and I hear it all, and I think I have
18 got a pretty good pulse of what's happening out there. I also
19 have a lot of people that think that I'm still a hell raiser
20 that I used to be, and sometimes it hurts me to say that I'm
21 sorry, I'm real tired. I can't do it any more, but go see so
22 and so. And sometimes I feel guilty as hell. I want you to
23 know that. It's not fun. But I was 24 when Manny and his
24 gang recruited me. I was fresh out of college and I met him
25 at a party, and he said, "Hey, do you want to join our club?"

1 And before I knew it I was the president. And I learned very
2 quickly, and at 53 I get a little tired. People still think
3 that I'm very involved like Manny.

4 I think also as the Head Start director, it's
5 another thing that's helped me a lot. Our program covers a
6 lot of area like I said. We have 350 employees. We work with
7 1750 some families from everywhere from Springerville, St.
8 Johns, we were in Fredonia yesterday, and we can see the
9 lights of Phoenix and Black Canyon City. We are in 20 some
10 communities and I have people talking to me all the time, and
11 that's helped me a lot to be able to be here today.

12 I feel that we are a little limited -- the
13 discussion that I was asked to address was specifically
14 enforcement and education, and I will try to share with you
15 the best I have in preference to it. I think it is important
16 for you to know.

17 In education I was very pleased to hear of the
18 number of minorities who were hired with the Flagstaff public
19 schools. I'm going to share with you that I think that right
20 now if there is an issue in this community and communities
21 across northern Arizona for minorities it is still the hiring
22 practices, because Flagstaff public schools thanks to people
23 like Manny and a lot of other good people that had to support
24 him with it does have a good system for looking at the
25 minority hiring issue, but it is still not where it should be.

1 It's too bad that you still have to have some kind of a quota
2 and the people aren't selected because they are the best
3 qualified; that there has to be a quota.

4 One of the things that I also hear much about in
5 northern Arizona still, in Flagstaff, is not necessarily the
6 entry level teacher positions. It's the administrative
7 positions, and that takes place both in Flagstaff and Northern
8 Arizona University. Who are the tenured professors? Who are
9 the professors that are running the department heads?

10 So I see that in education, continuing to work to
11 get minorities as -- into the administrative level positions
12 and to be able to be promoted from within for administrative
13 and high level positions is something that is really
14 important.

15 I think that when I think of law enforcement,
16 there's a couple of issues, and I almost wish that the chief
17 of police was still here, and Officer White is here and we can
18 talk about this to him. We've come a long ways. You talk
19 about issues that face Native Americans, the issues of the way
20 the Flagstaff Police Department was in the olden days with
21 Native Americans was one of most sickening things that anybody
22 could ever deal with.

23 I would like to think that a lot of good police
24 officers and a lot of good community people, city councilmen
25 and members, volunteers in the community, worked very hard

1 after raising a lot of hell and coming to some agreement of
2 how people have to be treated. We have seen great
3 improvement, and I really have to applaud the police
4 department. I have to applaud many city councilmen and people
5 that really raised a lot of cain; but there still are some
6 issues that I would ask them to address, and one of those
7 issues that I hear a lot about is in reference to
8 discriminatory practices in the stopping of potential or
9 violators of criminal offenses. And I think that you have an
10 attorney by the name of Phillips that will be here this
11 afternoon who certainly has already made a very public
12 statement about the fact that all you have to do is take a
13 look at the newspaper and see who gets stopped, the names are
14 Yazzi, Rodriguez, Garcia; and it's an issue that is really
15 serious and has to be looked at. It has to be addressed.

16 One of the saddest things is that my son is no
17 longer in Flagstaff. He graduated from NAU and he is living
18 in Phoenix now. But I will never forget something he said to
19 me when he -- they had a program where high school students
20 could travel with officers. And one of the things -- he came
21 home one night and said, "Dad, I can't believe what I heard
22 tonight. The officers would talk about Blacks, they would
23 talk about indians, and if it wasn't that my name was
24 Rodriguez, they would talk about me. And how sickening it
25 was. He was sickened by it.

1 Again, I think we have come a long ways, but when
2 you see some of these -- the number of people of color that
3 get -- the criminal offenses that get stopped, like I said,
4 open up the newspaper and it's easy to see; and I was really
5 glad that this attorney made an issue of it.

6 I think in reference, again, to the police
7 department, and then this becomes maybe not even the police
8 department, it becomes a law enforcement issue, because this
9 is going to maybe go into my experience with Head Start, is
10 issues involving immigration raids and the way families are
11 treated during immigration raids.

12 Five years ago in Head Start if we had one
13 monolingual Spanish speaking child, that was too much. Now 17
14 percent of my 1700 and some students are monolingual Spanish.
15 They are working in the tourist industries in Sedona. In
16 Sedona when people think that we have some of the -- and we
17 do. We have some of the richest and greatest wealth in this
18 country in beauty. I have 36 kids there, and 75 percent are
19 monolingual Spanish speaking. They work the motels. They
20 work the grounds.

21 I've had parents complain. They say, "Mr.
22 Rodriguez, what can you do to help us? They broke into our
23 house last night and into our neighbor's house. They treated
24 us less than human."

25 I talked to Sheriff Richards about this last year.

1 I was really concerned because there was a second part. The
2 raid itself, and then there was a second part, the detention,
3 because I found out last year -- and keep in mind that we just
4 started school again this year so who knows what I will find
5 out this year. I found out last year that at one of the raids
6 they had placed a member of the families that they had rounded
7 up and they put them in the sheriff's -- they had a cabana,
8 and they put them underneath that cabana. I found out later
9 that it was because there was a threat of rain. So they put
10 them there, because sometimes they take them to the park. But
11 apparently that one of families needed milk and asked one of
12 the sheriff's deputies for milk for their child, and they told
13 them that that wasn't their job, to get them milk. And I
14 raised Mary hell about that with the Sheriff's Department, and
15 even talking about it angers me.

16 I've got to say, though, in talking to Sheriff
17 Richards and other officers that are tremendous people, once
18 it is brought to their attention, they will not let it happen
19 again, I hope, and I don't think it will.

20 That is a big issue that I've been dealing with Head
21 Start families, much concern about that. Again, today starts
22 a new year. So our kids just started coming back in and I'm
23 sure that we will continue to have issues like this, but those
24 are issues that are having to do with law enforcement.

25 I have even heard of in some of these areas where

1 they have gone into Ash Fork, into Sedona and some of these
2 other ones last year, where even U.S. citizens were detained,
3 and all have heard what has happened in Chandler. It
4 certainly hasn't happened in that kind of magnitude here. If
5 it happens to one person, that's too much; and law enforcement
6 needs to know that there has to be a way to do things the
7 right way.

8 It's interesting, one of the things as I look out
9 at our police department and the sheriff's department
10 especially, you see a lot of young officers, and that's the
11 way life is; and what I really hope -- and one of the things
12 that scares me going back to what I said to you earlier is
13 that there's not many watchdog groups any more because many of
14 us are getting old and we took care of our children too well.
15 They don't fight as hard as they used to. They thought they
16 could pull themselves up by their own bootstraps.

17 I think that that's one of the things that
18 concerns me a lot because of the new officers that are out
19 there, that there's good training for law enforcement,
20 sensitivity training. In the old days we pushed that hard
21 because we knew that sometimes they just needed the training
22 and needed the understanding.

23 I want to share that with you and kind of some of
24 my closing words are, again, if you ask me what we can do, we
25 need to identify more resources where people whose civil

1 rights are being violated can go to because, again, the
2 watchdog organizations like the coordinating council don't do
3 what we used to do. We do fundraisers, we raise money for
4 scholarships, all great causes, but nobody wants to go raise
5 hell with employers.

6 By the way, I remember when my superintendent, at
7 that time Mr. Dave Buehlens (phonetic spelling), I was one of
8 his teachers, and he said, "Jessie, do me a favor. Contact me
9 before you contact the EOC. Give me a break. You're making
10 life real rough on me."

11 Let me tell you I feared for my job, but it had to
12 be done. I think that that's something that needs to be done,
13 and that is, again, why your presence is important to
14 communities like this where good things are happening. But
15 people need to know that somebody is still watching. It's
16 important.

17 I'd like to tell you it again. Things have really
18 improved; unfortunately, like Manny said, not always for the
19 good reasons. Native Americans -- I used to talk to Mr.
20 Darden, a city councilman who is a Native American. At that
21 time, he was working with the Native Americans For Community
22 Action, with Joe Washington. I used to say please keep in
23 mind that whatever discrimination happens to Hispanics, it
24 happened worse to Native Americans. And I know that.
25 Fortunately, this community finally realized that they

1 contribute financially tremendously here.

2 When my son also was in college and working for a
3 local retail store, his boss told him when a Native American
4 walks in, you drop everything and you go to him. They spend
5 money. That's unbelievable, but that is the true. And if
6 that's the only reason they get any respect, then I'm glad
7 because they do contribute to this community. And it is
8 getting better in reference to general treatment, but I don't
9 know. Again, look at the names on the police holds. It's
10 serious.

11 I really want to tell you that I really hope --
12 and I do really believe. I shouldn't say I hope -- that
13 Flagstaff is a wonderful community. We have got such good
14 friends.

15 I've got to tell you something. I could be real
16 critical of the hiring practices of the school at higher
17 levels, but I also know that people like Dr. Hager, I couldn't
18 survive in Head Start and many other things without him, past
19 superintendents, some of those folks in the city council that
20 worked on the Board with Manny at the time that helped to pass
21 some of those policies that helped us today.

22 I had a good experience recently. I was with some
23 Head Start people in a local restaurant in town, and former
24 chief of police Madden, former chief of police Lathen and J.
25 T. McCann, the new chief of police, walked in, and I really

1 appreciated the two former chiefs coming up and talking to me
2 and shaking my hand because you know what, we were good
3 warriors at what we do. They changed some things, and I
4 respected them for not agreeing with me on everything but
5 respecting us.

6 I guess what I'm saying is that we have got good
7 friends in this town. We have changed a lot of things. I
8 just think that, you know, civil rights issues are very
9 inherent to attitude. Unfortunately, attitude is a human
10 attribute, right, and it's not consistent and we have to stay
11 on top of it.

12 So, again, I really want to thank you for being
13 here. You made me feel like it was worth me staying here,
14 too.

15 CHAIRPERSON WEBB-VIGNERY: Paul?

16 MR. GATTONE: Thank you. Sir, I have a couple of
17 questions if I could.

18 So what you are saying is it is your understanding
19 that there is active cooperation between the Sheriff's
20 Department and the INS in doing these raids?

21 MR. RODRIGUEZ: There had been last year. One of the
22 things that I got told when I complained about this particular
23 incident with the child which is what really set me off, I was
24 told look, Jessie, don't be too hard on us. It was going to
25 rain, and the only reason we put them over here was because we

1 needed some place to just put them. They said: We were
2 afraid it was going to rain so we let them use our cabana; and
3 our officers really didn't have a responsibility, but you are
4 right, that wasn't the thing to say.

5 MR. GATTONE: But I guess what I'm trying to understand
6 is it's your understanding that the Sheriff's Department has a
7 practice, I don't know if they have a policy but they have a
8 practice of active cooperation with the INS like doing a joint
9 project where they provide the person power to do these raids?

10 MR. RODRIGUEZ: Can I be honest? I really don't know
11 that. I think that my concern was when I looked at law
12 enforcement, I was really looking at the immigration officers
13 that were conducting the immigration raids. Who was involved
14 in the raids I really don't know. I do know that that
15 particular issue that happened a year ago did involve the
16 Sheriff's Department from that perspective, because I would be
17 a liar if I told you that on the raids themselves there was a
18 cooperative venture.

19 MR. GATTONE: Do you know of any instances in which the
20 Flagstaff Police Department has acted co-operatively with the
21 INS?

22 MR. RODRIGUEZ: Not within the last few years. I have to
23 be honest. Several years ago those were issues, but I haven't
24 heard of them in the last several years. I mean the last two
25 or three years, maybe even more, I haven't heard. I would be

1 a liar if I told you otherwise.

2 MS. JULIEN: I'm not sure if you can give me the
3 statistics, but do you know how many administrative positions
4 are held by the minority representatives in the Flagstaff
5 public schools?

6 MR. RODRIGUEZ: No. One of the things, and I know that
7 there has been really -- when Manny Ulibarri was there on the
8 School Board, I mean we went through a period in this town --
9 by the way, I was born in this town, and I mean so was my
10 father. There's eight brothers and sisters. We went through
11 the system. You didn't see any minority administrators, vice
12 principals, principals. When Manny got on, I mean I could
13 tell you of a Joe Vega, the Sequas (phonetic spelling),
14 Gonzales, Joe Guiterrez, I haven't seen any new administrators
15 that are minority since Manny left. I'm sure there are
16 probably some, but not -- there was like nothing to a very
17 sound period while Manny was there. There's been a lot of
18 improvement from the community, it is obvious, with the
19 teacher hiring. It's the administrative level that I know
20 that I have talked with the members of the community. And by
21 the way, that is also true at NAU.

22 MS. JULIEN: You talked about opening the newspaper and
23 looking at who gets stopped.

24 Does that hold true as far as youth arrests and/or
25 youth issues in town, too? Are minority youth more likely to

1 be detained and/or suspended from school?

2 MR. RODRIGUEZ: You know, I'm not a gambler. I'm not a
3 gambler. I've got to tell you I work too hard for my money.
4 When I go to Vegas I spend a lot of money on food and shows.
5 I would put money on this that that probably follows the same
6 pattern just from rumors that I hear; but, again, that one is
7 harder to put your finger on. You know why? Because they are
8 not in the newspaper.

9 MS. JULIEN: But there are probably records kept
10 somewhere, wouldn't you think?

11 MR. RODRIGUEZ: I don't know.

12 MR. PAZ: I don't have any questions other than I
13 appreciate the scenario you have painted because I think it is
14 very realistic in a lot of towns, and how are you able to
15 balance the good, and the bad and the ugly. I think Flagstaff
16 ought to be very proud of that. But your statements to the
17 effect that the civil rights issues are still there can't be
18 hidden; and I was bothered very much this morning by some
19 statements from the police department and that you have just
20 re-enforced. You are right, there is profiling in this
21 community both in the immigration area and the local citizens.
22 But you painted a very concise scenario for me about something
23 that I think we have seen throughout the state.

24 MR. RODRIGUEZ: Thank you. Any other questions?

25 MR. OSBORN: Jessie, I'm just going to ask you straight

1 out. What do you think about the chances of this proposition
2 on the ballot in November to eliminate bilingual education?

3 MR. RODRIGUEZ: I think it will pass. It is really
4 frightening what is happening to our society. My
5 daughter-in-law taught bilingual education here in the
6 Flagstaff public schools in Killip, and because jobs for a
7 finance major are difficult to get here, my son had to go to
8 Scottsdale and she got a job in Paradise Valley. And one of
9 the things that she had here was the wonderful support, and
10 again, this is a compliment to the school district; that the
11 school district supported Killip school in its endeavors of
12 working with children who speak monolingual other than
13 English, and that's a real compliment.

14 She goes to Paradise Valley. She is ready to quit
15 because over there I mean they don't support what's happening.
16 Her first week on the job she had three parents questioning
17 her about why they were teaching monolingual kids in the
18 school district. She caught hell for it. She lost three kids
19 in one week, and last week -- the first week, and last week
20 she got it again.

21 One of things she told me, I really miss Flagstaff
22 public schools. She says because they supported the efforts
23 of children.

24 I'm afraid that as I travel, and I told you I travel
25 to 20 communities in northern Arizona, and people have the

1 conception that we live in America and in America we speak
2 English, not we live in a universal society. It's
3 unfortunate.

4 I'm really frightened. I think it's going to pass
5 if you want me opinion.

6 MR. OSBORN: I agree with you.

7 CHAIRPERSON WEBB-VIGNERY: Do you know any groups that
8 are actively working to defeat the issue in the Flagstaff
9 area?

10 MR. RODRIGUEZ: No, I don't, and that's what's
11 frightening. I've got to even share with you this is part of
12 my concern I mentioned earlier that the corrective action, you
13 have good people. You need those systems to monitor
14 themselves which I mentioned that I think those are some of
15 the things that we had in the old days, to insist on systems
16 that are self-monitoring, but you also need watchdog groups
17 that are willing to be actively involved. We have lost those
18 in our community. Even our minority groups care more about a
19 fund raiser for scholarships which, again, I support, but I
20 don't see it. I don't see anybody fighting any more. And it
21 should be a slap in the face to me, but I've got to be honest
22 with you, I'm also very tired. And, you know, it happens; you
23 get burned out.

24 CHAIRPERSON WEBB-VIGNERY: The League of United Black
25 American Citizens did pass a statewide resolution about it,

1 and I know that they are pretty active in the southern part of
2 the state. And I was just wondering --

3 MR. RODRIGUEZ: They are just a name now here. They are
4 a very respectable group in this country. What they did to
5 open the door for groups like the coordinating council, I have
6 a lot of respect; but again, somebody has to be the strength
7 of those groups, and unfortunately they probably still have
8 strong people at the top that are remnants of those activists
9 like Manny. But you need a lot of young warriors, and it is
10 kind of hard to find. It's scary. I lecture my own son about
11 that.

12 MS. WORKER: I have a question. As far as you talking
13 about administrative positions, you discuss how earlier there
14 was no minority administrators, and then through all your
15 efforts and work, you implemented minority administrators, to
16 make sure that they are in education and in law. Now you say
17 that there is no more minorities?

18 MR. RODRIGUEZ: I haven't seen new hirings. By the way,
19 to clarify one thing, I had nothing to do with pushing for the
20 hiring of more minority administrators. It was Manny and the
21 Board that were his colleagues at the time that did a great
22 job of that. I will never take that credit or nobody else
23 should because it took that Board to make some decisions.

24 So a large number of minorities were hired at the
25 administrative levels during that period. All I'm saying is

1 that we have seen an increase in the minority hiring of
2 teachers but I haven't seen an increase of minority hiring in
3 the administrative level position since then. I'm sure like I
4 said that there have been some, but they have not been of the
5 magnitude that we saw during that period that that Board was
6 there.

7 MS. WORKER: Has there been obstacles that prevent
8 minority administrators from gaining those positions, or what
9 type of issues do you see as far as the hiring practices of
10 minority administrators in those positions?

11 MR. RODRIGUEZ: It's just like anything else, you need
12 buttons to be pushed. You need somebody to be assertive about
13 getting it done; and, again, there is nobody fighting the
14 cause. After Manny left we sustained the system and it is
15 working, but again -- I think of hiring good minority teachers
16 and probably in other positions. But, again, it's the
17 unfortunate practice. Somebody needs to be pushing that issue
18 a little bit harder, and more assertively in order to get more
19 done; and again, I'm sure that this is something happening
20 across the country that you don't have the advocates that
21 fight as hard, and that's frightening.

22 Some of us "old people" will sit around and talk
23 about Jesus, what's going to happen, because we make life too
24 good for our children. It's scary.

25 MS. WORKER: Thanks.

1 CHAIRPERSON WEBB-VIGNERY: I have one observation. I
2 heard quotas mentioned more than once this morning, and I'm
3 wondering is there a court ordered program in this area?
4 That's probably -- you are talking about goals and timetables
5 rather than quotas.

6 MR. RODRIGUEZ: I think there were more internal policies
7 that were developed.

8 CHAIRPERSON WEBB-VIGNERY: I know at a certain time NAU
9 had a pretty strong affirmative action program that falls in
10 timetables, but I heard you mention that you hadn't seen in
11 recent years in addition new faculty or new administrators
12 representing the diverse cultures in the community.

13 So that's one observation that I've made from what
14 you were talking about. You may be able to put it into the
15 record if we can get some more information on that from NAU
16 and from the school districts, if that were possible.

17 DR. HAGER: Actually, we have two more minority
18 administrators now than we did when Manny left the Board.

19 CHAIRPERSON WEBB-VIGNERY: I think if we had some
20 definite statistics as far as hirings are concerned both at K
21 through 12 and in higher education it would be helpful for our
22 regional office as they start compiling this information. Do
23 you think?

24 MR. RODRIGUEZ: Uh-huh.

25 CHAIRPERSON WEBB-VIGNERY: Well, I want to thank you.

1 You have been both very enlightening and also you gave us some
2 historical context from which to work with, and we will take
3 your admonitions to heart.

4 MR. RODRIGUEZ: Again, I want to thank you because,
5 again, I think that the important thing is that -- you know, I
6 think it's funny because I tell my staff someone needs to
7 monitor me to make sure I do my job right. That's just life.
8 There's nothing wrong with that. And I think that your
9 presence really just makes it clear that we just can't assume
10 that it is getting done; and for that, again, I thank you.

11 MR. GATTONE: Thank you.

12 CHAIRPERSON WEBB-VIGNERY: Thank you.

13 (Noon hour recess.)

14 CHAIRPERSON WEBB-VIGNERY: I'd like to call the
15 afternoon's hearing to order and briefly go over a few things
16 that we went over before the morning session started, and just
17 say that every effort has been made to invite persons who are
18 knowledgeable in the areas of education and law enforcement to
19 this hearing; and that we have also allocated time after the
20 last person has given their testimony for public input for
21 anyone who wishes to do that.

22 In addition, the record of this meeting will remain
23 open for a period of 30 days following its conclusion, and the
24 committee welcomes additional statements for inclusion into
25 the record. These should be submitted to our western regional

1 division of the U.S. Commission on Civil Rights, and that is
2 3660 Wilshire Boulevard, Suite 810, Los Angeles, California
3 90010. And also I'd like to have the members of the panel
4 introduce themselves again.

5 I am Dr. June Webb-Vignery and I'm the chairperson
6 of the Arizona State Advisory Council to the U.S. Commission
7 on Civil Rights.

8 And perhaps we can start down there.

9 MR. OSBORN: I'm Jones Osborn from Yuma, Arizona.

10 MR. PAZ: Ramon Paz from Tucson.

11 MS. JULIEN: Angela Julien from Tucson.

12 MR. GATTONE: Paul Gattone from Tucson.

13 CHAIRPERSON WEBB-VIGNERY: So, if we can have the next
14 person to give testimony, and that would be Sheriff Joe
15 Richards.

16 SHERIFF RICHARDS: Do you wish me here, Madam Chair?

17 CHAIRPERSON WEBB-VIGNERY: Yes. You can sit right here
18 so the court reporter can take you down.

19 If you could give us your prepared testify and if
20 you could answer questions from the panel.

21 SHERIFF RICHARDS: Okay. This represents a first for me
22 to testify before a commission of this type, and so I'm going
23 to be exploring probably as I go the kinds of issues and the
24 kinds of things that you want to focus on, and I will be glad
25 to answer any questions.

1 I don't know that I have a really prepared
2 formalized statement. I want to make some general comments,
3 kind of acquaint you with myself which as the county sheriff I
4 think sets the tone and the philosophy as to how my
5 organization operates and what we do here in northern Arizona.
6 If that's an appropriate process, then that's kind of one that
7 I will follow.

8 CHAIRPERSON WEBB-VIGNERY: That's fine.

9 SHERIFF RICHARDS: I have lived here for most of my life.
10 I was born in Lubbock, Texas. Moved here when I was about
11 five years old. Grew up in Flagstaff and went to Flagstaff
12 public schools and high school, and ultimately got both the
13 Bachelor's and Master's degree here from Northern Arizona
14 University. I have been in law enforcement for approximately
15 forty years, have experience as a criminal investigator for
16 the county attorney's office, state highway patrolman, a
17 sheriff's deputy and for the past 27 years I have served as
18 sheriff of Coconino County. I am married. I have four
19 daughters; and that's sort of the background on myself.

20 This is the second largest county in the United
21 States, and it has some really unique features. It's
22 topography; it's scenic country; it's an attraction to people
23 who want to hunt, fish, recreate, ski, et cetera, et cetera.
24 And because of places like Oak Creek Canyon, Sedona, the Grand
25 Canyon and so forth, we are a destination point. We are an

1 attraction for people coming across the country visiting with
2 us.

3 Our major arteries, the one coming up from
4 Nogales, Phoenix and forth, Highway 17, terminates here in
5 Flagstaff and it is met by I-40. And then coming down from
6 the north country we have U.S. 89. Those major intersections
7 I think contribute, I think, to our law enforcement problems;
8 certainly to a large transient population.

9 The resident population of Coconino County is
10 probably about 115, 120,000 people, but at any one time we
11 will have more than another a hundred thousand people that are
12 floaters, that are non-residents here visiting. Grand Canyon
13 National Park had slightly more than five million visitors
14 last year; Oak Creek/Sedona about three and-a-half million.
15 So we have this large influx of people. And because of the
16 remoteness of our county, I think many times we have found
17 ourselves sort of a dumping ground for crimes that have been
18 committed in other areas; and in the remote areas people will
19 be hunting or fishing and they will find evidence of a crime,
20 a body or so forth. Many times it is difficult to identify
21 them and trace it back to a particular person.

22 That's kind of an overlay of some of the
23 uniqueness that we have in our county in terms of general
24 features.

25 We have a large Native American population. The

1 Navajo reservation is the largest tribe I believe in the
2 United States, and in the heart of that is the Hopi
3 reservation. We also have the Havasupai tribe west of Grand
4 Canyon, and we have some of the Kaibab-Paiute tribe up by the
5 northern part of our county.

6 So for law enforcement purposes we have the county
7 sort of divided. It is not specifically sliced up, but
8 operationally each outlying community is served by a resident
9 deputy beginning in Page which is up by Lake Powell near the
10 Utah border, Fredonia which is a small village about 1400
11 people six miles south of the Utah border, Tuba City,
12 Flagstaff is our main base of operation, Forest Lake Estates
13 which is 135 miles southeast of here down by the Mogollion
14 Rim, Blue Ridge, Sedona, Williams and the South Rim of the
15 Grand Canyon, and most recently Kaibab Estates West.

16 So each of these areas are served by what we call
17 a substation or resident deputies. So I think the term in the
18 past few years of community policing has become much in vogue
19 and is very, very popular. I'd like to believe that many of
20 us in the sheriff offices has been practicing the essence of
21 community policing for years because our expectation is that
22 that rural officer is aware of his constituents, aware of the
23 unique problems, the situations that occur there, troubled
24 people, high crime areas and so forth. And so we have applied
25 the concept of community policing historically.

1 We also do it in the growth areas around
2 Flagstaff. This is a rapidly growing area. There is an area
3 north and east of Flagstaff that's called Timberline, Doney
4 Park and Thernwood that has grown from probably 2500 people to
5 to around 8,000 people in the past decade. So houses are just
6 erupting rapidly.

7 We have community policing officers stationed
8 there, and our expectation is that they keep us informed, they
9 address local problems so that there's a dialogue between law
10 enforcement and the local communities.

11 Because of the large Native American population, I
12 have also tried to place an emphasis on cultural sensitivity.
13 Now, that's important to me one, because of my own interest in
14 Native American cultural affairs.

15 Years ago when I was a deputy, I used to go a
16 small village outside Tuba City by the name of Moenkopi, and
17 there a little Hopi woman would set and make peki bread and
18 cook it over the fire and tell me stories of the origin of
19 their people, and I became extremely interested in that.

20 One of my predecessors, Cecil Richardson, spoke
21 Navajo. He and his family were traders on the reservation,
22 and so he created in me a special awareness, an appreciation
23 for their language, for their beliefs, for how they interact
24 with families; and I have continued to grow in that during the
25 27 years that I have been sheriff. I also interact closely --

1 each part of the western Navajo reservation -- this one is
2 divided into what they call the western Navajo agency, and
3 there are some 13 or 14 chapters in it, small geographic
4 political subdivisions of how they operate their government.
5 Each one deals with social, educational, law enforcement,
6 public needs, grazing rights and so forth in each of these
7 satellites.

8 And so as I travel around the county meeting with
9 people in these rural communities and interacting with those
10 tribal officials, it has given me an awareness of issues that
11 are pertinent in their mind.

12 One of the greatest problems in my view is the
13 problem of alcohol on the reservations, substance abuse. Now
14 that translates into people that many times can't keep
15 employment; there's a great deal of poverty; there is domestic
16 violence and broken families, all centered around the issue of
17 alcohol.

18 In any institution whether it's a county jail, a
19 state prison, a federal prison, the figures that I have are
20 probably 70 to 80 percent of a given prison population are
21 there because they have some sort of substance abuse problem,
22 which means they can't take care of their family, they can't
23 be productive citizens, they can't hold down employment. So
24 they get to be homeless, they get to be floaters, and we wind
25 up seeing them, then, on the streets of our city committing

1 most of the time misdemeanor crimes.

2 So those are some of the cultural issues that
3 I'm aware of in this region that -- we also do another thing.
4 Both through a gentleman by the name of James Peshniki
5 (phonetic spelling) and another Native American by the name of
6 Steve Darden, we have tried to promote cultural sensitivity;
7 and he comes and he gives our officers classes, he gives them
8 lectures, upon their belief system, their religion, upon the
9 family culture. And it gives a point of reference, it gives a
10 better way of understanding many of our native American people
11 in this area.

12 Because of that large population and the proximity
13 to Flagstaff, the closest rural reservation community is
14 probably Leupp or probably Cameron. Each are probably 40 to
15 fifty miles away from Flagstaff. So when these families come
16 in, and many times young men get involved in drinking, they
17 are considerable distance from their residence and sometimes
18 they don't have any other place to go. So they get picked up
19 for alcohol-related offenses. They will do stupid things like
20 urinate on the sidewalk, walk into somebody's property,
21 littering; a variety of most of the time not serious crimes
22 but are aggravating and sort of public nuisance related crimes
23 which winds up for one reason or another getting them
24 arrested.

25 So a large part of our jail population has been

1 and continues to be native American, and I think a lot of that
2 is the alcohol problem within their culture, I think it's the
3 proximity to that large population in Flagstaff, and it
4 certainly is an issue that hasn't been addressed
5 satisfactorily. They have had and I think still have some
6 alcohol and substance abuse programs that are in place that
7 offer some recovery opportunities.

8 We just finished building a brand new jail, and I
9 might talk about a jail lawsuit in just a moment. It took 24
10 years to get the county to get this jail and to have it become
11 a reality. The jail lawsuit was caused as a result of a fire
12 and a class action lawsuit that was filed in April of 1976.

13 Leonard Lester McFord and Billy Ray McAllister both charged
14 with murder barricaded themselves in our north security
15 section, used toilet paper and magazines and set a fire.

16 On the heels of that, and it was during the time
17 of the Attica riots, a lot of federal introspection of what's
18 going on in the nation's penal institutions, Attica, Georgia
19 chain gangs, a lot of things like that. So the federal courts
20 were looking critically at what was taking place as far as
21 inmate rights in institutions.

22 That class action suit which began originally and
23 dealt with issues of health care, nutrition, law library,
24 recreation, psychiatric care, those kinds of fundamental
25 services, evolved over the year into other kinds of issues and

1 it's expanded over the years. It is probably on the threshold
2 of being resolved because most of the issues have now been
3 addressed through the county finally meeting these needs and
4 having an adequate place for them. I'm really glad to see
5 that happen.

6 So we now have a new jail that has a 350 bed
7 capacity, but in terms of the power curve, we are probably
8 running many, many years behind time. We have had a federal
9 cap placed on our population of 163 since 1995, but the
10 population continued to grow. So because we couldn't put them
11 here, we were forced to put them in five other county jails;
12 La Paz, Apache County, Maricopa County, Yavapai County and so
13 forth; and as a result now of having the new jail become
14 operational in July, we have moved those all back in and we
15 only operate the old jail now for a court holding facility.
16 Additionally, we have been a federally contracted facility
17 with the federal government. The Bureau of Prisons, the
18 Marshal's office, the FBI, the INS all use our jail facility
19 as a temporary holding, either in transit, overnight or
20 short-term facility; and our contract provides that we get
21 revenues for those overnights or short-term stays, and it
22 helps offset the cost of operating the county jail.

23 I think we will wind up in the new jail having a
24 capacity of probably 70 to 100 short-term low risk federal
25 inmates. Many of those, although not all, will be coming as a

1 result of the INS bringing prisoners back and forth through
2 this corridor in northern Arizona.

3 Let me check my notes and see so that I don't
4 ramble on too much if there's any other kinds of things -- let
5 me talk just briefly about my philosophy that I think sets the
6 tone.

7 I believe that the head of a law enforcement
8 agency does just that, he sets the tone for the treatment of
9 people and it emanates from him. I believe that the badge
10 that we wear is a symbol of public trust, and I hold that in
11 the highest regard. My oath of office, our philosophy of our
12 department, all reflect that public trust that we feel very,
13 very strongly about.

14 Our people in the jail I think also reflect that.
15 We treat people with dignity and respect, and for the most
16 part that has far-reaching benefits both to the inmates and to
17 to our staff. We have fewer assaults inmate to inmate and
18 inmate to staff than most any other jail in the southwest, and
19 I think that begins when the person regardless of what they
20 are charged with, when they are brought in they are told the
21 rules, the regulations, but they are treated with dignity and
22 respect, and the vast majority respond favorably to that. So
23 that kind of sets a cultural tone for how we interact with the
24 people that we have responsibility for.

25 Let me just kind of pause at that point and see

1 whether or not those comments are relevant to where you want
2 to go from here.

3 CHAIRPERSON WEBB-VIGNERY: Sir, I would like to introduce
4 the committee subchair for law enforcement, Paul Gattone, and
5 I believe he will start the questioning.

6 MR. GATTONE: Thank you. Yes, I have a few questions.

7 Let me just before I forget, you had mentioned in
8 your remarks you were talking about native people will come in
9 and they will be intoxicated and for one reason or another
10 their actions will lead to an arrest. I think they were minor
11 offenses. I think you said urinating on the sidewalk or going
12 into someone's yard or something.

13 As a general rule, are non-native people arrested
14 for those same sort of offenses or is there some sort of other
15 interplay involved there?

16 SHERIFF RICHARDS: We normally -- well, we have a
17 transient population, again, because of the flow through,
18 particularly in the summer months. We have probably our share
19 as other communities of homeless people, and they also are --
20 many of them have emotional, psychological problems, which is
21 kind of the rationale behind their being homeless, and they do
22 things like that as well. They will get drunk. They will go
23 into a grocery store and shoplift; pick up food items and try
24 to smuggle them out. They trespass on people's property,
25 commit petty theft and so forth. That class of people

1 probably is similar to our Native American population for
2 those minor-related offenses.

3 MR. GATTONE: So the two classes of people that you are
4 at least able to identify for us who are most impacted by
5 being arrested for minor offenses are Native American people
6 and the transient like homeless population?

7 SHERIFF RICHARDS: No. I only compared them because my
8 interpretation of what you asked me is similar kinds of
9 conduct that led them to get into trouble. That's what I
10 meant. I didn't mean that there's the same comparisons
11 between the number of arrests. Certainly there are not.

12 My belief is as I said earlier that our proximity to
13 the reservation, to this large center, and these people work
14 here, they trade here, they contribute a great economic
15 benefit to this community, and so I think that the numbers of
16 them contribute to that and the fact that many of them have
17 alcohol problems contribute to those kinds of minor crimes.

18 Now that's not to say that we don't have a number of
19 them in custody for homicides, for assaults, for rapes and for
20 other more serious crimes; but the vast majority, though, seem
21 to be alcohol related and we have a lot of repeat offenders.

22 Years ago our community used to have a LARC, Local
23 Alcoholic Recovery Center, and probably, I'm guessing, eight
24 to ten years ago it was discontinued. So the community does
25 not have a formal place now that deals with people who are

1 inebriated that are acting out doing other kinds of things,
2 and so it leaves them sort of floating on the streets and they
3 are problems for residents or for the business community.

4 MR. GATTONE: I was also wondering, before lunch we had
5 an individual testifying and he was relaying some information
6 about potential cooperation between your department and INS.
7 Do you have a policy of cooperating with them and I guess
8 potentially getting involved with them in providing personnel
9 power to raids, immigration raids?

10 SHERIFF RICHARDS: No, sir. No, we do not do that last
11 part.

12 Now let me tell you we have a contract with the U.S.
13 Bureau of Prisons and the Marshal's office, and those two
14 federal entities are the ones that allow us to legally hold
15 federal prisoners whether they are arrested by the National
16 Park Service, by another federal -- by FBI, by the marshals or
17 whatever. So those two contracts allow us legally to hold INS
18 prisoners. We do not have a contract per se with INS. Their
19 prisoners come through the U.S. Bureau of Prisons. Now, we do
20 have a working relationship with them.

21 Some weeks ago when the INS were going to create
22 this activity down south around the major airport there, they
23 felt that the consequences of that would be to drive these
24 people that are traumatizing, that are hurting illegal aliens,
25 that the consequence of that would create a wave of activity

1 here in northern Arizona; and they asked us if we would be
2 able to hold short-term those INS people that were arrested
3 for smuggling in this northern Arizona region. So that's what
4 we are doing with them.

5 MR. GATTONE: I guess I'm trying to understand because
6 the information that was relayed to us is that persons from
7 your department were actually detaining individuals that had
8 been rounded up in immigration raids.

9 SHERIFF RICHARDS: That's not true. It's an interesting
10 thing. I cannot recall accurately what led up to it, but in
11 the old jail more than a decade ago there was an issue filed
12 about one of officers arresting an individual strictly on the
13 basis of them being an illegal alien. And we were given a
14 court mandate and we have followed it ever since that time.
15 None of our officers ever make an arrest solely for the basis
16 of that person being illegal. If they are charged with other
17 criminal offenses, assault or theft or whatever, they are
18 arrested and INS is notified, but we do not arrest people nor
19 do we incarcerate them for our organization because of that
20 historical precedent.

21 So you were misinformed. We have not been involved
22 in any raid with INS whatsoever.

23 MR. GATTONE: We have been very concerned. This is the
24 second of three hearings that we are doing. We did one in
25 Tucson like a month and-a-half ago, we are doing this one here

1 and we are going to do one in Phoenix in about two months
2 time.

3 One of the issues we are very concerned about is the
4 issue of racial profiling, and obviously that is something
5 that's gotten some great attention nationwide. I'm wondering
6 if you have any information for us about whether there has
7 been any claims of problems within your department on racial
8 profiling, and have you done -- made any efforts to collect
9 data that would maybe prove or disprove any concerns that the
10 public might have expressed about racial profiling?

11 SHERIFF RICHARDS: I have not gathered specific data,
12 Paul, and so I am unable to provide you with that. Now we do
13 have our jail records that are accurate, and it will show who
14 was arrested, when, where and what they were charged with, and
15 those statistics are available. I guess they would be public
16 record and certainly available to this commission.

17 We do not -- as far as the kinds of things like
18 traffic profiling, a small part of a deputy sheriff's
19 responsibility is traffic. If they see a violation while they
20 are out in a rural area or somebody is doing a blatant
21 offense, they will address that and we would expect them to;
22 but there is not the emphasis much like you would get on a
23 highway patrol. Traffic is not emphasized within our
24 organization.

25 Because we have so few numbers -- I go back to the

1 size of our county. We have 18,500 square miles. I have 64
2 officers including myself and my chief deputy. If you do a
3 little division, it winds up about 500 square miles per
4 officer. So we are very limited on manpower resources, and
5 traffic then while it's a necessary and vital part of our role
6 is not high in our priorities.

7 MR. GATTONE: One last question if I could. The question
8 that we posed to the chief this morning that is also of
9 concern to this committee is the agency's policy on the use of
10 deadly force. I guess that our concern is do you keep
11 statistics on -- I suspect when one of your officers is
12 involved in the use of force whether that be physical, you
13 know, all the way up to deadly force, do you keep some sort of
14 statistics and are those statistics broken down based on the
15 race of the person that the force is used against?

16 SHERIFF RICHARDS: I think they would be available, and
17 thank goodness it is rare. I have been sheriff for 27 years.
18 We have had two of our officers killed in the line of duty,
19 one in 1982 and one in 1983; and to my knowledge -- let me say
20 before my tenure, Clark Cole who was the Undersheriff for
21 Cecil Richardson back in the early '60s did shoot an
22 individual in transit who was wanted for some felony. They
23 got in a scuffle and he shot the man on the highway in between
24 here and Williams. That was late '50s, probably '58 or '59.
25 To my knowledge, that was the only use of deadly force that

1 resulted in an individual's death. So we have been
2 fortunately spared that.

3 Now, our guys have gotten into struggles. They have
4 had injuries, sustained injuries. None have been really
5 critical. I mean we have had broken limbs and cuts and
6 lacerations as a result of individuals resisting arrest, but I
7 cannot think of a time in which we have had to use deadly
8 force. We do have a deadly force policy.

9 MR. GATTONE: If you could provide us with that, we would
10 appreciate that.

11 SHERIFF RICHARDS: I will get you that.

12 MR. GATTONE: And maybe for the last year if you have any
13 maybe breakdown in the type of force and some demographics
14 about the person who it is used against, we would appreciate
15 that, too.

16 SHERIFF RICHARDS: Okay, sir.

17 MR. OSBORN: Sheriff, unfortunately we don't have
18 representatives of the tribes here who are here, and I would
19 ask you to say a few words if you will about your working
20 relationship with the tribal police, especially with respect
21 to residents of the reservation who get off the reservation
22 and run afoul of the law, specifically your office.

23 Could you say a few words about that?

24 SHERIFF RICHARDS: We have I think a good working
25 relationship with the Navajo Department of Public Safety.

1 They have recently undergone a change in the leadership of
2 their organization, and I'm not sure what that will do in
3 terms of trickle down effect. Their officers are well trained
4 for the most part. The vast majority of them now through post
5 academies, peace officer standards of training. So they are
6 state certified as police officers.

7 In the remote areas of the county is where we do
8 most of our interaction. In our Page substation, our officers
9 regularly respond to Lache which is about seven miles out and
10 Kaibito which is about 40 miles out of Page. When there are
11 no Navajo officers available, they will respond, stabilize the
12 scene and kind of make sure things don't get worse until they
13 get there. Sometimes they have to travel from Tuba City or
14 all the way from Kayenta to respond to these. And so our
15 officers act as sort of an emergency backup for them.

16 There is good rapport between our officers on both
17 sides. I have met with the Navajo Division of Public Safety
18 twice this year, and before them is a cross-commission
19 proposal in which our officers and theirs in these reservation
20 sites will be both cross-commission so that we both meet
21 standards, and they are looking at that very seriously and I
22 think that might be a boom.

23 You raise another interesting point. For Native
24 Americans who come off the reservation, commit crimes and then
25 flee back to the reservation, there have been some problems

1 getting them back off because the tribal courts are certainly
2 different than ours. For civil process, if there's different
3 kinds of things involving civil process, it is very difficult
4 to have them served on the reservation.

5 MR. OSBORN: That really wasn't the point of my question,
6 Sheriff. I just wanted to inquire about those who leave the
7 reservation and run afoul of the law and are arrested by your
8 force.

9 Is there any cooperative arrangement with the tribal
10 police or do you take over?

11 SHERIFF RICHARDS: No, we take it from there.

12 MR. OSBORN: I see.

13 SHERIFF RICHARDS: The unique layers of jurisdiction
14 begins primarily with the tribal police department. Then they
15 have a contractual relationship with the Bureau of Indian
16 Affairs. Then if there are felony crimes created, murder,
17 robbery, rape and so forth, those are handled by the FBI.
18 Interestingly, the highways that run through there, both our
19 officers and DPS have jurisdiction within the bounds of the
20 right-of-way. And then you get back to the indian versus
21 indian we don't; indian versus Anglo we may; and Anglo versus
22 indian we probably do or Anglo to Anglo.

23 So depending upon the offender and the offended, we
24 may or may not have jurisdiction. And it's a complicated
25 process, but those are the general layers of jurisdiction.

1 MR. OSBORN: Now let me ask you if I may, Sheriff, about
2 recruitment of new officers.

3 Do you make any special efforts to recruit minority
4 officers?

5 SHERIFF RICHARDS: We have -- yes. Because of our large
6 native American population, we have made some significant
7 efforts in trying to stimulate interest in our organization on
8 the reservation. We have gone through Page, Leupp and the
9 Tuba City areas, and we have helped testing and done the
10 physical fitness part of the tests to help recruit people. We
11 have not had strong success, we really have not.

12 I think within our department I believe we have nine
13 native American employees, and we are just in the process for
14 Page hiring two more.

15 MR. OSBORN: Is that limited to commissioned officers or
16 is that all employees?

17 SHERIFF RICHARDS: No, that is all employees. Detention
18 officers that are what we call court officers, they are not
19 law enforcement per say. They don't have peace officer
20 status, but they do have enforcement powers to go ahead and
21 detain, transport, make arrests and they carry firearms. We
22 have three of those in our jail division, and the one officer
23 that's in Tuba City is a Native American officer.

24 MR. OSBORN: How about Hispanic officers on your force?

25 SHERIFF RICHARDS: I don't know that I have it with me.

1 Probably -- within our organization I think we have probably
2 21 Hispanics in our organization.

3 MR. OSBORN: Out of you say 90? How many officers
4 altogether?

5 | SHERIFF RICHARDS: We have 64.

6 | MR. OSBORN: 64, I'm sorry.

7 CHAIRPERSON WEBB-VIGNERY: I'm going to interject here
8 because you have gone over your time. So if it would be
9 possible if we can get the statistics. You probably have an
10 EEO breakdown on it.

11 | SHERIFF RICHARDS: I can get you that. Showing the
12 numbers of Blacks and Hispanics and so forth?

13 CHAIRPERSON WEBB-VIGNERY: Yes, yes.

14 | SHERIFF RICHARDS: Okay.

15 CHAIRPERSON WEBB-VIGNERY: I think it's an EEO1 form.
16 And probably since you are receiving federal funds, you
17 probably have an affirmative action plan of some type?

18 | SHERIFF RICHARDS: The county does, yes.

19 CHAIRPERSON WEBB-VIGNERY: If we can have how you are
20 addressing recruitment and selections of officers and staff
21 and send it to our Los Angeles office, that would be helpful.

22 SHERIFF RICHARDS: Okay. That's this one here on the
23 Wilshire Boulevard?

24 | CHAIRPERSON WEBB-VIGNERY: Yes.

25 SHERIFF RICHARDS: Okay.

1 CHAIRPERSON WEBB-VIGNERY: I'm sorry, I wish we could
2 spend a lot more time on this.

3 Did you have any more questions?

4 MR. OSBORN: I just have one more question.

5 SHERIFF RICHARDS: Let me clarify the last one. You want
6 our recruitment and our selection process, how we are doing
7 that?

8 CHAIRPERSON WEBB-VIGNERY: Yes.

9 SHERIFF RICHARDS: As it relates to?

10 CHAIRPERSON WEBB-VIGNERY: As its relates to minority
11 groups and Phoenix.

12 SHERIFF RICHARDS: Okay.

13 CHAIRPERSON WEBB-VIGNERY: Mr. Paz, do you have any
14 questions?

15 MR. PAZ: Yes. I hope you understand that some of our
16 questions are as a result of complaints that we have received
17 and in the interests of community people to look into the
18 matter.

19 I think you responded to Paul very well in terms of
20 your working relationship with INS, and you said you
21 definitely do not involve your officers, your staff in house
22 raids or inquiring of the citizen status of some of the
23 undocumented workers, correct?

24 SHERIFF RICHARDS: No, sir, we do not.

25 MR. PAZ: Thank you for that because it has been reported

1 to us not only today but on other occasions that it has
2 happened. I appreciate the education on the county. I didn't
3 know it was the largest county or the second largest county.
4 What is the first largest county?

5 SHERIFF RICHARDS: San Bernardino.

6 MR. PAZ: And I appreciate your sensitivity to the area.

7 What do you do, though, to instruct your staff about
8 profiling because I see that a very difficult task for you?
9 I'm glad you used the right word, repeat offenders. But how
10 do you instruct your staff, educate your staff, about
11 profiling especially when you have this heavy duty alcoholism
12 problem of native Americans?

13 SHERIFF RICHARDS: One of the things that we are doing,
14 the Board of Supervisors have just got through funding
15 \$160,000 for a pilot program that will take place in the jail
16 division. We have a full time professional counselor; and
17 when an individual comes in, based upon the number of arrests
18 and their current charges there, they are looked at to
19 determine does this individual based upon past arrests indeed
20 have an alcohol or substance abuse problem. If so, we are
21 going to try to get them into this intensive program.

22 Now, to encourage them to participate, all the
23 individuals who are in this program that have been so
24 identified, and they can be a broad spectrum of the
25 population, are put into an individual cellblock so that

1 there's no peer pressure, "Yeah, you are going to participate
2 in that religious thing; you're going to do this." So it
3 creates like a comfort level for all these people to go --
4 everybody is in the same class doing the same thing in the
5 same way, and we are hoping for good success.

6 That is being -- through the counseling program and
7 through the guidance clinic they are giving training to
8 people. They are giving them ways for self help. This is
9 geared to be about a 90 day program for individuals that are
10 inside the county jail. It will have a transition program so
11 that the individual and the counselor work either with his
12 employee or with his employer or with the family to try to
13 make sure that they have a chance to get some degree for
14 success outside the facility. In other words, so that they
15 are just don't keep recycling back and forth, prevent that
16 revolving door. How much success this will have in the future
17 is yet unknown, but I have hopes that it will work out.

18 The other part of that, we have a jail chaplain, and so not
19 only the behavioral but the spiritual dimensions of these
20 people are also being addressed in an effective way.

21 CHAIRPERSON WEBB-VIGNERY: I want to thank you very much.
22 I wish we had more time for discourse.

23 SHERIFF RICHARDS: Thank you very much. I will try to
24 get those pieces of information to you.

25 CHAIRPERSON WEBB-VIGNERY: Okay. Thank you very much.

1 The next person to testify is Lee Brooke Phillips.
2 And if you could state your name and your address for the
3 record, please.

4 MR. PHILLIPS: Yes. Thank you. Good afternoon, my name
5 is Lee Phillips. I'm an attorney here in Flagstaff, Arizona.
6 My office address is 224 East Birch Avenue, Flagstaff 86001;
7 and I have prepared a written statement that I would be happy
8 to provide a copy of to the commission members.

9 I'd like to speak today briefly and sort of
10 summarize the written statement that I will be submitting to
11 you.

12 I've been an attorney here in Flagstaff since 1983.
13 My work initially was with the Navajo and Hopi indians as part
14 of a fellowship from Harvard University. Most recently,
15 though, my work has focussed in the area of criminal defense
16 and civil rights. I currently am a certified criminal law
17 specialist by the state bar of Arizona, and I for the last six
18 months or so have been spending a great deal of time
19 developing a racial profiling case here in Flagstaff which
20 involves about a dozen African American and/or Hispanic
21 motorists who have been stopped, detained, searched and
22 arrested on Interstate 40 which is the main highway that goes
23 east and west, of course, through northern Arizona.

24 Along with the public defender's office who have two
25 African American clients, we have consolidated all of these

1 cases and they have been assigned to one judge to consider the
2 claim of racial profiling.

3 To prove racial profiling as you probably know is
4 very difficult. It's easy for people to claim that they are
5 are the victims of racial profiling. Proving it is very
6 difficult; and in our experience here in Flagstaff it is very
7 difficult because the only way that the courts accept -- or
8 the only type of evidence the courts accept as proof of racial
9 profiling is usually statistical evidence showing a pattern
10 over a long period of time.

11 And the problem we run into in this case and that
12 people around the country are running into is that the only
13 people who have the record that will prove whether profiling
14 is occurring usually is law enforcement agencies or government
15 agencies; and in our experience, the state of Arizona, the
16 Attorney General's office and the Department of Public Safety
17 which is our state police organization have all refused our
18 request to release the records they have of people stopped on
19 the interstate.

20 We have asked that they provide to us a copy --
21 copies of the written warnings and the tickets that are issued
22 to motorists who are stopped on Interstate 40 for the last 12
23 months so that those documents could be analyzed by race to
24 determine whether a disproportionate number of people of color
25 are being stopped by the state police.

1 Over the last several years it's my experience, my
2 observation, that a disproportionate number of Blacks and
3 Hispanics are stopped on the highway by our state police. I
4 am only aware of these cases that come to us through the
5 criminal courts when people are charged. In addition, I have
6 received numerous calls based on the publicity that we have
7 generated around this case from other persons, people of
8 color, Black and Hispanic primarily, some Native Americans,
9 who also believe that they have been victims of racial
10 profiling.

11 To prove racial profiling in our case we have
12 retained the services of Dr. John Lambrith from Temple
13 University in Philadelphia. Dr. Lambrith is the expert who
14 was used in the New Jersey and Maryland racial profiling
15 cases, and what he did there which ultimately proved a pattern
16 of racial profiling by the state police was he did a survey on
17 the highway, and we have done the same here in Arizona. We
18 have done a preliminary survey where we monitor traffic using
19 a number of people driving in two person teams and driving at
20 the posted speed limit. What you are looking for is first to
21 identify all the vehicles and the race of the occupants of all
22 the vehicles, and then you look to see of the people on the
23 highway how many people are committing a clear traffic
24 violation, speeding, weaving, illegal passing; something that
25 would provide a lawful basis to stop someone.

1 That violator survey was done at the direction of
2 Dr. Lambrith, and we found according to our survey that in
3 northern Arizona 2.9 percent, about three percent of the
4 motorists who were observed on Interstate 40 to be committing
5 a traffic violation were African American, 12 percent were
6 Hispanic, 6.6 percent were Native Americans, 1.7 were Asian
7 and 76.8 percent were identified as caucasian or Anglo. These
8 figures, the people who should be stopped for violations are
9 then compared to records of people who actually are stopped to
10 see whether that is done in proportion; and the problem again
11 that we have is that the state has refused to release to us
12 the records that will show all of the people stopped.

13 Warnings and tickets in Arizona include the race of
14 the motorist that's stopped. That's the only record that we
15 have been able to locate that will show everyone who was
16 stopped and their race. The state at all levels have to date
17 refused to release that information to us.

18 So we went to the courts and we looked at cases
19 where there was a record that someone was arrested on the
20 interstate and we looked at the race of the person. We then
21 compared the known violator population with the numbers I just
22 gave you, the 2.9 percent Blacks, for example, to the number
23 of people that we knew had been stopped, and detained and
24 searched by the state police in Arizona.

25 While only 2.9 percent, less than three percent, of

1 the survey population were African American, over 40 percent
2 of the people stopped, detained and searched by the state
3 police were African American. Similarly, while
4 approximately 10 to 12 percent of the motorists were
5 identified as Hispanic committing a violation and, therefore,
6 subject to being properly stopped, approximately 17 percent of
7 the motorists who were identified as being stopped, detained
8 and searched were Hispanic.

9 We also then had Dr. Lambrith analyze the Anglo or
10 caucasian population, violators versus people being stopped,
11 and in the study that we've done we found that while 76.8
12 percent of the people committing the violation on the highway
13 are white, only 42 percent of the people being stopped for
14 violations are white.

15 Dr. Lambrith also compared the percentage of all the
16 people who received tickets rather than warnings because many
17 times what we find is a person of color is stopped and
18 detained, searched, there oftentime is no arrest made because
19 there's no illegal activity discovered, and the person is
20 simply given a warning for speeding or for whatever the
21 traffic violation is and released, and there is then no public
22 record that that ever occurred.

23 So it's very difficult to know with any certainty
24 how many people of color are being stopped, detained,
25 searched, humiliated, frightened and simply released and just

1 happy to get on their way and out of Arizona but they don't
2 report it. But we did also look at people who did receive
3 tickets because that is a public record, and by going to the
4 local court we examined a year's worth of tickets; and we
5 found that by comparing the three percent Black population
6 that violates the law according to the survey and, therefore,
7 could get a ticket, we found that over twice that amount of
8 African Americans who are stopped are ticketed.

9 Again, Dr. Lambrith who has done this now for
10 several police departments around the country and in several
11 court cases, his analysis of what's happening here in northern
12 Arizona is that it is virtually impossible for this to be
13 happening by accident or by coincidence. The only logical
14 explanation which would be supported by the statistical
15 evidence is that people of color are the victims of racial
16 profiling on Interstate 40 in northern Arizona.

17 We have requested as I say copies of all of these
18 records because the only way to know for sure would be to go
19 through every record of every stop and look at the race, and
20 then compare that to the population on the highway. But until
21 those records are released, made public, until they can be
22 analyzed, we have no way to know for sure how serious a
23 problem we have in northern Arizona.

24 We have a hearing scheduled in our case, the case
25 that involves about a dozen motorists set for September 27th

1 and 28th. At that time, the judge will be asked to order the
2 state of Arizona to turn over those documents. The state has
3 collected them, and my conversations with the Attorney
4 General's office, they have collected all of the warnings and
5 tickets for Interstate 40 in Coconino County. They have
6 looked at them by race. So they know what these numbers are,
7 but they won't release those to us. They won't release them
8 publicly.

9 Of course, the only assumption that I can make, if
10 those numbers did not support our claim of racial profiling,
11 the state would have no reason not to make that information
12 public to make it clear that they are not committing racial
13 profiling in this state.

14 I've also made a formal request to the Arizona
15 Attorney General, Janet Napalitano, and ask that she conduct a
16 formal investigation into the claims by numerous people of
17 color that they are the victims of racial profiling.

18 In response, I recently received a letter from her
19 staff indicating that the Attorney General's office feels that
20 it is inappropriate for them to become involved in our racial
21 profiling case at this point because it is still pending
22 before the courts and, therefore, they would not provide
23 assistance to us in obtaining the records.

24 Due to the publicity that this case has generated,
25 as I say, I have received numerous phone calls from Native

1 Americans, Hispanic and Blacks, all reporting stories of being
2 stopped, being subject to a detention, being subject to having
3 their person's and their vehicles and their luggage searched
4 usually for drugs, and the assumption always is that if you
5 are Black or if you are Hispanic, you must be a drug dealer or
6 you must be committing some crime. And what we are finding,
7 and I think it is something that is a problem not just in
8 Arizona, of course, it's a problem around the country, we are
9 finding that either certain officers are engaging in
10 intentional discrimination, or more likely it is a systemic
11 problem. It is a problem of discrimination that permeates our
12 justice system. And it is not perhaps something that officers
13 do intentionally as much as it's a stereotype that they are
14 reacting to.

15 What we do know, though, is that these stops, these
16 detentions and these searches are wrong. They are illegal.
17 Under the federal law and under the state law it is illegal to
18 stop, detain or search someone unless there is, in fact,
19 evidence of probable cause that there's a crime being
20 committed. And we know from our survey around the country now
21 that places, states such as New Jersey, Maryland, Florida,
22 Illinois, North Carolina, every place where the records have
23 been made public and have been analyzed, in every situation
24 they have found strong statistical evidence that minority
25 people of color are being subjected to discriminatory

1 treatment in the enforcement of the law.

2 We now are sort of at the early stages here in
3 Arizona of trying to establish some clear record of whether or
4 not the problem is occurring here. We believe that it is.
5 The preliminary analysis that has been done by Dr. Lambrith of
6 course confirms that it is. As I say, he says that it
7 statistically impossible for these things to be happening by
8 accident. This pattern can only indicate that over a period
9 of time the officers of the state police are stopping people
10 because of the color of their skin.

11 I would simply add that this is we know a charge
12 that is easily made and not one that we make lightly; but it
13 has been my experience in almost twenty years of practicing
14 law in this part of the country that people of color are
15 subjected to different treatment. You only need to go to the
16 courts on Monday which is law in motion to see that people of
17 color and poor people are frequently in jail when people who
18 commit the same or are charged with the same offense who are
19 not people of color are released, and there are a variety of
20 reasons, of course, for that. But it's a problem.

21 I'm confident that this case in Arizona is going to
22 open the doors to this problem. I am confident that once the
23 evidence is turned over to us in the court process that their
24 expert, state's expert, and our expert will be able to conduct
25 a complete analysis of all the records and we will know either

1 this is happening or it isn't. But until those records are
2 made public and until they can be analyzed, the only people
3 who have access to them, the only people who have analyzed
4 them are the state, the government, the police. That to me is
5 a serious problem in our society.

6 I think that these types of issues can only be dealt
7 with by putting the cards on the table; and if there's a
8 problem, the problem should be addressed. If we are wrong, if
9 it's a pure coincidence that all these African Americans and
10 Hispanics are being stopped based on this drug profile, if we
11 are wrong, so be it. All we are asking is that the state of
12 Arizona and the state police make those records public,
13 available to us and to anyone else who wishes to look at the
14 issue so that we can know.

15 Discrimination based on race is wrong. It's illegal
16 and it is something that must be confronted wherever it is
17 found. And I thank you very much for the work that you and
18 the commission is doing to try to address these types of
19 issues.

20 MR. GATTONE: Sir, I have a couple of questions.

21 First off, I think a point that I find somewhat
22 troubling that maybe this commission will have some viewpoint
23 on is the fact that obviously the state Attorney General's
24 office has a civil rights division, but I think it also proves
25 to be a conflict when people are making claims of civil rights

1 violation against a state agency that they are on the one hand
2 supposed to be investigating, but on the other hand are going
3 to defend them if there's a civil suit. So that's obviously
4 an inherent conflict that produces problems for the community
5 because if in this case you make any claim against a state
6 agency, I think the Attorney General's office is going to be
7 last to do an investigation on the civil rights division
8 because they may then provide evidence that could be used
9 against their client. So that is a problem.

10 I was wondering do you have any information or have
11 you received any reports of racial profiling by any of ther
12 other local law enforcement agencies, the Flagstaff Police
13 Department or Coconino County Sheriff's Department?

14 MR. PHILLIPS: Well, I have represented people who have
15 been arrested by those agencies who are people of color,
16 African Americans, native Americans, Hispanics primarily in
17 this part of the country who believe that they were stopped.
18 Again, the problem for me is that I only see the guilty ones,
19 the people where they do find the drugs, because those are the
20 ones that end up in the criminal courts. What we don't see is
21 how many other Black men, for example, are stopped or young
22 Hispanic men or women are stopped where there's nothing found,
23 and they perhaps are inconvenienced, or frightened or
24 humiliated, and there's no crime ultimately discovered so they
25 are released. So I think there's always a large unknown when

1 you talk about that.

2 I have represented and I'm currently representing a
3 young African American man who was stopped by the Flagstaff
4 Police Department he believes based strictly on his racial
5 profiling and the fact that he was wearing what they thought
6 was gang clothing which really was just baggy pants, sort of
7 the typical clothing that kids wear these days. In that
8 particular case he was arrested. He went to court. The Court
9 found that there was no lawful basis to stop him. There was
10 no probable cause to search him; and as a result, the criminal
11 charges were recently dismissed against him, and he now is
12 pursuing a civil rights claim or complaint through the civil
13 process. That case involved the Flagstaff Police Department
14 and officers working on the street.

15 I frequently receive complaints from some of the
16 African American organizations, black churches and others that
17 they feel that young Black males in this town like I think in
18 every town are subjected to more frequent stops, detentions,
19 searches in many situations based largely on the color of
20 their skin. Is that true? I don't know. I know that I see a
21 lot of young people of color in the criminal justice system,
22 and I know that the research shows that Blacks don't commit
23 crime any more than whites or Hispanics. So it troubles me to
24 see a higher percentage of people of color arrested by both
25 the Flagstaff Police Department, the Sheriff's Department and

1 the state police, but I don't have the same sort of data that
2 we have now regarding the state police because we haven't gone
3 there.

4 I would add that there have been other cases, and,
5 of course, I don't know that it's fair to pick out just one or
6 two, but I have represented several people in civil rights
7 actions involving both Flagstaff police officers and the
8 Coconino County Sheriff's Departments.

9 MR. OSBORN: Madam chairman, Mr. Phillips, until today I
10 was under the impression that arrest records were public
11 records and, therefore -- as defined by the law and,
12 therefore, available to the public. That is not so?

13 MR. PHILLIPS: Arrest records generally are public
14 records. The problem that we have is there is no way to
15 identify which arrests are occurring, for example, on the
16 interstate. We could go to the courts and look through every
17 file on every person that's been arrested, but the sheer
18 volume of those, to find how many of those are these
19 interstate cases and then how many of those are people of
20 color. We simply don't have the resources to do that.

21 The other problem that we have run into as I say is
22 what we have discovered through the interview process with the
23 officers is that in most cases where someone is stopped on the
24 highway, for example, of the 45 cases that I have handled
25 where people have been stopped on the highway, in every case

1 whether they are white, Black or whatever, in every case the
2 person was not issued a ticket for the violation. So there's
3 not a public record. They were given a written warning which
4 is not available to the public. That's a document that the
5 state police keep and the person who gets the warning receives
6 a copy. But you can't go to a court or you can't go to a
7 public office to look up the number of warnings. And what we
8 found around the country and what the courts have concluded is
9 that part of the training that the police receive -- and this
10 is sort of a nationwide training that's initiated by the Drug
11 Enforcement Administration, DEA, this is training designed to
12 try to find people transporting drugs. And one of the things
13 that we see over and over is in these stops on the highway
14 where they don't find anything, there's no written record
15 kept; there's no public record kept. So it is very difficult
16 to know.

17 The United States Department of Justice -- President
18 Clinton last year signed an executive order and the Department
19 of Justice began collecting state by state information by race
20 of people being stopped, but it's a voluntary program and
21 Arizona is one of five or six states that refuses to
22 participate in that program. So Arizona does not make its
23 records available to the Department of Justice to be analyzed
24 to see whether it appears to be a problem here.

25 MR. OSBORN: And the Arizona study, what was the date of

1 that study where you had people go out on the highway
2 observing drivers?

3 MR. PHILLIPS: That study was done the first half of June
4 of this year, 2000.

5 MR. OSBORN: And it extended from Flagstaff to Kingman,
6 was that the extent of it?

7 MR. PHILLIPS: No. It was from the county borders. So
8 just about Ash Fork on the western part of Coconino County
9 across the county line to the end of Coconino County which is
10 near Winslow. So it's about -- I can't think what the mileage
11 would be, but it's a substantial distance. It's about four
12 hours to --

13 MR. OSBORN: Ash Fork up to Winslow?

14 MR. PHILLIPS: Yes. And we used a variety of people, two
15 person teams; and Dr. Lambrith set it up so that we randomly
16 sampled weekdays, weekends, night, morning, afternoons to make
17 sure that we were getting a fair representation of the
18 traffic.

19 MR. OSBORN: Thank you.

20 MR. PAZ: In your practices, have you encountered
21 situations of undocumented workers being harassed or detained
22 by law enforcement agencies?

23 MR. PHILLIPS: Yes. I think, again, the fact that a
24 person is driving in Arizona, if it appears to an officer that
25 that person is a person of Latino or Hispanic ethnicity, I

1 think that it's been my experience that it is very common that
2 a minor traffic violation will be used as a basis to stop to
3 identify the person.

4 I don't know -- I heard the sheriff speak earlier.
5 I don't know who notifies INS, but I have represented many
6 persons who were in this country illegally or at least were
7 here not as citizens, legal resident aliens, I have
8 represented several, and in my experience INS is notified by
9 the jail that they believe someone is at least not a citizen.
10 And I don't know if that is a formal policy or an unofficial
11 policy, but it is my experience that INS is contacted by the
12 jail here and a hold is placed on the person whether they are
13 a legal resident alien or an undocumented person, and that
14 prevents them from being release on bail.

15 I represent currently several legal resident aliens
16 who are charged with an offense, not convicted, and INS is
17 holding them with an INS hold based on this information they
18 have received from the Sheriff's -- or from someone at the
19 jail. The police reports that I have indicate that the
20 Sheriff's Department had contacted INS with that information.

21 CHAIRPERSON WEBB-VIGNERY: I want to thank you for your
22 time and for the information that you have given us.

23 MR. PHILLIPS: Thank you.

24 CHAIRPERSON WEBB-VIGNERY: And if you could provide us a
25 copy of your statement.

1 MR. PHILLIPS: And this has considerable more information
2 in terms of some of the other cases around the country, but I
3 was just focusing today on what I'm doing here in Arizona; but
4 there are some additional information and facts in the
5 statement.

6 CHAIRPERSON WEBB-VIGNERY: If you by chance get the
7 opportunity to review the statistics, we would appropriate a
8 copy of those for inclusion in our record; and also if you
9 learn how the coordination is working between the INS and the
10 Sheriff's Department.

11 MR. PHILLIPS: I can certainly forward to Mr. Gattone the
12 information that I have in some of my cases.

13 MR. GATTONE: Sure, or you can also send it directly to
14 the staff in L.A.. Do you have that address?

15 MR. PHILLIPS: Yes, do I. I will make a point of
16 providing you a follow-up report on what we find out after we
17 get the documents.

18 CHAIRPERSON WEBB-VIGNERY: That would be much
19 appreciated.

20 MR. PHILLIPS: Either way.

21 CHAIRPERSON WEBB-VIGNERY: The next person is Terree
22 Duncan, Dean of Student Services at Coconino County Community
23 college.

24 MS. DUNCAN: We had sent two names in, but only mine got
25 on the list.

1 CHAIRPERSON WEBB-VIGNERY: Oh, both of you can come up.
2 Give your names for the record when you come up.

3 MS. DUNCAN: We have some pamphlets, packets prepared for
4 the members of the Advisory Council that we would like to give
5 out now.

6 CHAIRPERSON WEBB-VIGNERY: Could you state your names for
7 the record and your address?

8 MS. DUNCAN: I'm Terree Duncan and I'm the dean of
9 student services with Coconino Community College.

10 MR. NITTMANN: And I'm Shawn Nittmann and I'm director of
11 learning enhancement services at Coconino Community college.
12 The college's address is 3000 North 4th Street, P. O. Box
13 80000, Flagstaff, Arizona, zip 86003.

14 MS. DUNCAN: On behalf of the college, I'd like to thank
15 you for the opportunity to speak with you today.

16 MR. OSBORN: I'm sorry, I can't quite hear you. There is
17 a microphone there. You can talk into it if you have a soft
18 voice.

19 MS. DUNCAN: I will unsoften my voice.

20 Enclosed in the packets I have given you includes
21 information on the college's history, activities that are
22 related the minority students, students with disabilities,
23 women in diversity activities and additional demographic
24 information that I'm going to be discussing.

25 As Sheriff Richards explained very eloquently,

1 Coconino College serves Coconino County. It's the second
2 largest county in the nation and the largest county in
3 Arizona. It covers 18,500 square miles.

4 Established in 1991, Coconino Community College is
5 the newest college in the state, and it is celebrating its
6 tenth anniversary throughout this year. The college attained
7 full accreditation in February, 1994. I'm trying to give you
8 an idea of how young we are.

9 The college has campuses in Page and in Flagstaff,
10 and extension sites in Williams and Grand Canyon. We also
11 occasionally provide educational services in Tuba City. Tuba
12 City is part of the reservation school system and is served
13 primarily by Dine College, the private college.

14 In contrast to the size of its county and scope of
15 its educational mission, CCC is the lowest funded community
16 college in the state with a general fund of just under 9.4
17 million. The college serves four times the number of students
18 projected in 1991 and upon which its funding is based.

19 We offer five Associate degrees, 22 majors and 19
20 certificate programs; and enclosed in your packet I have
21 included a college catalog that will give more descriptions to
22 those academic programs.

23 Our student population is 3,500 students per
24 semester, and approximately 1600 full-time student equivalent
25 per year.

1 I am going to be referring to the student county
2 demographics which might be of interest as I'm going through
3 this. I'm not going to mention the county and city of
4 Flagstaff demographics, but talk about our student
5 demographics.

6 Our minority students comprise approximately 30
7 percent of our enrollment, native American students comprise
8 approximately 15 to 20 percent annually and Hispanic students
9 comprise approximately ten percent. These are our two largest
10 minority student populations at the college. Women make up 60
11 percent of the enrollment. The average age of students
12 attending the college is 29 years. Most students attend
13 part-time, work either part or full time and have family
14 responsibilities.

15 The college become eligible for federal financial
16 aid in 1994 when we were first accredited. Currently \$1.6
17 million are disbursed in financial aid funds including grants,
18 scholarships and work study programs to over 600 students. 70
19 percent of the financial aid recipients at the college are
20 women, 30 percent are Native American students and ten percent
21 are Hispanic students. The remaining are other, not reported
22 or are other minorities.

23 The college celebrated its first graduation in 1993
24 with three graduates. The largest graduating class since then
25 was in 1999 with 137 graduates. Women typically make up 70

1 percent of our graduating class, Native American students make
2 up between 20 and 25 percent depending on the year, and
3 Hispanic students make up approximately ten percent of our
4 graduates. 60 to 65 percent of each graduating class graduate
5 with a transfer degree and 10 to 15 percent complete a
6 vocational degree. The remaining are certificate completers.
7 I will ask Shawn now to describe some of the colleges support
8 programs and services.

9 MR. NITTMANN: Okay. If you would like to follow along,
10 I am working off the fourth page in in your handout here where
11 it says Services; and before I speak about the services, I was
12 going to -- you may not know that the college and the county
13 recently passed a bond within the last three years where we
14 got \$25 million; and what we're going to try to do with that
15 is to enhance access to higher education in the county. We
16 are going to do that in several ways. We have -- I don't know
17 if you saw this on the way in town or not, but off on I-40 not
18 far from the intersection of 17 and 40 we are putting up a new
19 125,000 square foot campus that will be ready for occupation
20 in a couple of years. That's coming from the bond funds.
21 Also, we are expanding what is available in Page, Arizona,
22 near Lake Powell. We already have a campus there. Those are
23 the two principal sites in the county at the present. We are
24 about to break ground in Williams, Arizona, on donated land
25 and spend money to build a distance education facility there.

1 In addition, we are spending money to outfit a room at the
2 high school at the Grand Canyon, Grand Canyon High School,
3 with distance learning technology.

4 So a portion of the bond money has been set aside to
5 establish a distance learning network for the entire county.
6 And I wanted to say that as a prelude because when we talk
7 about services, most people in the county I believe they think
8 about develop and deliver courses to us. Well, my area in
9 learning enhancement services, it's an academic support
10 division, and we want to make sure that folks not only have
11 access out in these outlying reaches, but they also support it
12 in the same way that the students here at Flagstaff are.

13 So, for example, we have a list of several services
14 here that I was going to give you a few highlights on. Our
15 principal service that I think helps students at our college,
16 in particular minorities that attend school -- when I say
17 minorities, I include women. You heard Terree say that 60
18 percent of the college's enrollment is female -- is financial
19 aid. So we have mostly women in minorities using up the
20 financial dollars at Coconino Community College.

21 Our primary retention effort at the college is on
22 the following page, and that's our learning assistance center,
23 and that's in my department. It also goes along with
24 information resources; and their philosophy is to help
25 students learn how to learn. And we have a slightly different

1 composition. The students who have come into our learning
2 center, there are proportionately more minorities and women
3 coming into the center than there are attending the college at
4 large. So I think we really make a good effort in retaining
5 those students at the college.

6 In addition to those two services, the college
7 committed early to disability resources so that we could be in
8 compliance with the Americans With Disabilities '88 Act. And
9 we have another program that's called Self Pride. Disability
10 resources, the money came from a Voc Rehab grant early on; and
11 that program which also happens to be my department
12 facilitates access to education for students with documented
13 disabilities under the ADA.

14 In addition to that, we have what was formally know
15 as Self Pride and is now making a transition into what we call
16 our Passages program. Different funding there. That was
17 called Perkins Basic Grant Funds. As it turns out, it was
18 probably one of the main programs that serves women and
19 minorities as well, and that is an opportunity for single
20 parents and displaced homemakers to get funds to overcome
21 social barriers to come to school.

22 Next on the agenda, we were trying to interpret our
23 assignment for today, and we looked here in our letter and it
24 says collect information on law enforcement practices and
25 educational issues.

1 MR. GATTONE: Because we are doing dual hearings. Sorry.

2 MR. NITTMANN: So we said what are the principal
3 educational issues that face the students at our college; and
4 I will start with that and I will talk about two or three, and
5 then I will let Terree tell you about the rest of them.

6 You already heard the sheriff, and I suspect the
7 folks from NAU and the police chief this morning and so on
8 talk about the cultural and language barriers that exist in
9 rural northern Arizona, and the five Native American indian
10 tribes, and the seven languages, and the fair Hispanic
11 population and so forth. I think that is one of our principal
12 issues that we have to deal with at the college, and I would
13 say it's more of a cultural nature than a language nature.
14 We just did an LEP, Limited English Proficiency; ESL, English
15 as a second language study, and the conclusion there seems to
16 be yes, we have students like that who are facing that
17 difficulty when they get to school, but more often they are
18 talking about the cultural concerns; growing up on the Res,
19 coming into town, having gone to perhaps a BIA school and not
20 being socially or academically prepared for post-secondary
21 education.

22 We see a lot of folks like that in our learning
23 center, and we make great efforts to help them learn how to
24 learn, learn how to survive in a post-secondary education, and
25 help them with the skills that it takes to do that.

1 In addition to the cultural and language barriers,
2 we have a lot of social barriers that we alluded to earlier,
3 the principal one of which is money. We are fortunate to have
4 a financial aid program and a strong scholarship program that
5 are helping a lot of minorities and women students come to
6 school for the first time or get back into school with
7 financial aid dollars or scholarship dollars.

8 A lot of our students as you heard Terree's profile
9 earlier are trying to balance family, work and school
10 challenges, and so they come to our center and to some of the
11 counselors on campus and they have to wrestle with how do we
12 manage our time, how do we prioritize our effort. We have a
13 dream. We want to get to school and get an education. We
14 want to get a better job and make a better life for ourselves.
15 How do we do that? So they see us in the learning center for
16 that and other places.

17 Another educational issue at our college is if you
18 have read any statistics on northern Arizona, educational
19 achievement tends to be like it is in a third world country.
20 We have very low reading level and we have very low academic
21 preparedness when students come to our school. So there's
22 another place where we can jump in and try to make a
23 difference with some of these support services.

24 There's three issues, and Terree can continue.

25 MS. DUNCAN: The last issue is related to the college's

1 funding. We have always been and will continue to be
2 challenged by a very low tax rate and having funding to
3 address our mission in such a large county. That includes
4 staffing in general at the college that is of concern,
5 staffing for minority programs and maintaining staffing and
6 disability resources. And that concludes our presentation.

7 CHAIRPERSON WEBB-VIGNERY: I would like to introduce
8 Angela Julien who is the committee chair for the education
9 subcommittee.

10 MS. JULIEN: A couple of questions. One, how do you
11 interface with the public high schools to recruit students, to
12 get students interested and/or to convince them that they are
13 ready to move on?

14 MS. DUNCAN: We do that in a couple of ways. Arizona has
15 a statewide high school/college relations counselor. So once
16 a year we have an opportunity to go into high schools in our
17 county and outside of our county and talk with students. It's
18 similar to the bull pen auditorium style recruiting process
19 where all the colleges participate. In addition to that, we
20 have monthly visits that we try to schedule in the Flagstaff
21 schools.

22 Page campus and high school are right across the
23 street from each other. So their interactions with our
24 classes that we have on the Page campus, their interaction is
25 much more close and there are more visits by the counselor

1 there to the high school campus.

2 We attempt to send advisors out to the outlying
3 areas, to the city areas and Grand Canyon, as they are
4 available to work with the coordinators in those areas and
5 establishing contact with the high schools there.

6 We send out our literature to the counselors every
7 semester, schedules, catalogs, and that's a sample of how we
8 do it.

9 MS. JULIEN: Are there any staff who are designated as
10 high school coordinators specifically?

11 MS. DUNCAN: Yes, we have two. One is our assistant
12 registrar, and the other is our career -- we just changed the
13 title -- career services and placement coordinator.

14 CHAIRPERSON WEBB-VIGNERY: That's a community college
15 habit, reorganization.

16 MS. DUNCAN: And retitle and long titles.

17 MS. JULIEN: Second, I'd like to respond to something
18 that you said just a minute ago. You compared the conditions,
19 student achievement conditions, some schools in northern
20 Arizona to third world countries

21 MR. NITTMANN: Uh-huh.

22 MS. JULIEN: That's a frightening statement. I am
23 assuming that that means high levels of illiteracy when I hear
24 third world education conditions.

25 MR. NITTMANN: You assume correctly.

1 MS. JULIEN: From your perspective and do you have data
2 to support it, what rate illiteracy are we finding in northern
3 Arizona schools?

4 MR. NITTMANN: I don't know that figure off the top of my
5 head. I can direct you to some references. Grand Canyon
6 Trust which is a coalition of folks in northern Arizona
7 interested in preserving the peoples and environments of the
8 Colorado Plateau has done substantial studies on the
9 demographics and education attainment levels and the economics
10 of the plateau, and they would have that kind of literature.
11 And when I say that, that's what I am referring to because
12 they characterize by county the Colorado Plateau. And we know
13 that Navajo and Apache and some of the counties out here where
14 the Navajo and Hopi reservations are tend to have demogrphics
15 and economics and education attainment and access to medicine
16 and all kinds of other things that are more typical of what
17 you would see in a third world country than in the modern
18 U.S..

19 MS. JULIEN: And do you find students coming to you in
20 that condition more predominantly from the public schools or
21 from BIA type schools, or private schools, or can you make a
22 generalization about where those conditions are worse?

23 MS. DUNCAN: I don't think that we can. Our typical
24 student has been out of school two to five years, and our
25 average age is 29. So we are seeing them years after they

1 either graduated or more unfortunately in our county never
2 completed high school.

3 So it is difficult for us to make -- with a very
4 small population of traditionalist students as well.

5 MS. JULIEN: And you just said something that builds off
6 of that.

7 Some of the students who come to you do have a high
8 school diploma and some do not. But there are students who
9 come to you who are illiterate but who also have high school
10 diplomas; is that what you are telling me?

11 MR. NITTMANN: We have to discuss definition of
12 illiterate, and if it includes things like an 8th grade
13 reading level and perhaps writing at a similar kind of level,
14 it might be a functional illiteracy in a post-secondary
15 environment. So we see students who come and after taking
16 placement tests get placed into developmental courses in
17 English, math, writing and the like where they are bringing
18 their skills up; and I believe we see quite a few students
19 like that start with our learning center and the services that
20 we have there, and get from the point where they are
21 functionally illiterate in a post-secondary school situation
22 to the point where they are literate and get their degrees and
23 certificates and move on.

24 MR. PAZ: Just a follow-up because I guess probably the
25 definition of third world country is important here because

1 that is shocking; it is. I think we can have a little bit of
2 an awareness of life in the north land here with regards to
3 reservations and Native American cultures and all that. But
4 by reference to this area as third country is shocking.

5 So you have students that are identified as such as
6 I gather by you?

7 MR. NITTMANN: We have students that come in in that
8 condition.

9 MR. PAZ: Can you provide us with figures in terms of how
10 many of these students come in and from what areas?

11 MR. NITTMANN: I don't have those figures today. I think
12 principally as Terree mentioned earlier, we are a fairly young
13 college, and we haven't developed all the data gathering
14 systems that you might find in the Maricopa Community College
15 District where that might be readily at hand; and I would say
16 that still my best reference, if you want to look at education
17 demographics and economics on the plateau, go to Grand Canyon
18 Trust and get those documents.

19 As far as what we have at the college, some of that
20 is more -- it's our working take, and like I say, we don't
21 have it well documented yet.

22 MS. DUNCAN: Well, what we did at the college is to look
23 at the census data that gives us the per capita incomes.

24 MR. PAZ: I'm aware of that, but I'm more interested in
25 your college -- we have made some very definitive deductions

1 here with regards to the Native American people. Alcoholism
2 was a major issue today all day long, and we have to look at
3 that as how it impacts them by schools and their success.

4 You brought in another reference, another term, and
5 this is the first time that I've looked at the term that you
6 brought into light here. So I'm curious to see who else looks
7 at people like that; but I am more concerned about these
8 people as you so referred in your college and how you are able
9 to identify them as such.

10 MR. NITTMANN: We don't have a good mechanism for
11 identifying them as such at the moment.

12 MR. PAZ: I don't know if you want to stick to that
13 because --

14 MS. DUNCAN: Well, what I can do is to send you
15 information of what people intend to do is to look at their
16 placement testing data in reading, English and math, and that
17 can give an indication --

18 MR. PAZ: I'm talking about the whole idea of what it
19 means to live in a third world country, and all I've heard is
20 some major positive things about our north land here today,
21 and this one sort of just blows me away.

22 MR. NITTMANN: Well, part of what we are doing is trying
23 to provide access with this bond money, and we are trying to
24 establish this distance learning network so that
25 post-secondary education can go places in the county that it

1 hasn't been before. And I said, we know that academic support
2 is important on our campus and that it will be there, and we
3 are working very hard to try to provide that and plan for
4 that.

5 CHAIRPERSON WEBB-VIGNERY: I think he is addressing the
6 disconnect between the portrait that has been painted here and
7 the environment that we are hearing you say that students are
8 coming out of for your community college; and there is
9 something that -- we don't have any evidence beyond the
10 picture that has been painted from several different sources.
11 So I think that we do -- it would be very helpful if we had a
12 more complete portrait of what we are dealing with when we
13 start going after a document to come out of these hearings,
14 especially with the Native American populations. And I don't
15 believe this is just here in the north land either, but it
16 would be very helpful if we had some information on that.

17 MR. NITTMANN: Okay.

18 CHAIRPERSON WEBB-VIGNERY: Mr. Jones, did you have any
19 questions?

20 MR. JONES: No questions.

21 CHAIRPERSON WEBB-VIGNERY: I have one question and that
22 has to do with your statistics about faculty.

23 Do you have a good composite of cultures on your
24 faculty or is it primarily of one race, or one gender, or what
25 does it look like?

1 MS. DUNCAN: The answer to the first part of the question
2 is no, we don't. That was a concern that was raised by the
3 North Central Accrediting Association in our accrediting. I
4 did ask for our employee statistics, but the director wasn't
5 able to get it to me for today. We will be happy to send it
6 to you.

7 CHAIRPERSON WEBB-VIGNERY: Is it possible that you could
8 send that along and especially the faculty, I think
9 administrative, too; and at the same time if you have an
10 affirmative action plan of any type and how you do outreach
11 recruitment and send it to our L.A. office, that will be
12 helpful.

13 MS. DUNCAN: Yes.

14 MR. GATTONE: Do you have that address?

15 MS. DUNCAN: Yes.

16 CHAIRPERSON WEBB-VIGNERY: Are there any other questions?

17 (No response.)

18 CHAIRPERSON WEBB-VIGNERY: I want to thank you very much.
19 It sounds like you have done a lot in the short time span that
20 you have had to get it all prepared, and I know it's an
21 onerous task.

22 Thank you. The next person to testify is Elizabeth
23 Archuleta.

24 MS. ARCHULETA: Thank you very much.

25 First of all, let me apologize for my attire. I

1 have been out in the neighborhoods helping with the grass
2 roots rehabilitation project. So --

3 CHAIRPERSON WEBB-VIGNERY: Before you start, could you
4 please for the record give your name, and your title and your
5 address?

6 MS. ARCHULETA: Certainly. Elizabeth Archuleta, chairman
7 of the Coconino County Board of Supervisors. 2714 North East
8 Street is my home address here in Flagstaff. Do you need the
9 zip code? 86004.

10 Well, as I was saying, just 20 minutes ago I
11 finished using a saw. So, I'm sorry I didn't have enough time
12 to go home and change and be here, but I thought the important
13 thing was to be here at least.

14 I think you have a little bit about me, but one of
15 the things that I didn't put in there because I was mainly
16 focusing on my accomplishments since getting into public
17 office is that for ten years I was in administration at
18 Northern Arizona University, specifically working on youth
19 outreach programs in northern Arizona. I see you have some
20 questions about education and specifically about northern
21 Arizona. So I may be able to help fill you in.

22 Do you want me just to begin to talk about some of
23 the things?

24 CHAIRPERSON WEBB-VIGNERY: Uh-huh.

25 MS. ARCHULETA: Well, in thinking about today's

1 presentation I wanted to share a couple of things in terms of
2 some efforts that Coconino County is engaged in in terms of
3 grass roots neighborhood efforts and specifically with law
4 enforcement and educational issues.

5 This past year Coconino County was awarded a grant
6 from the office of the Department of Justice at the national
7 level to designate Sunnyside neighborhood as a weed and seed
8 site. Sunnyside neighborhood is probably one of most diverse
9 neighborhoods in Flagstaff; has I would say the highest
10 population of Hispanics of our entire city in the Sunnyside
11 area as well as a lot of old families. It's a very old
12 neighborhood. And that particular neighborhood had been
13 experiencing an influx of some negative and criminal activity,
14 negative behavior and criminal activity. And so a couple of
15 organizations as well as a few individuals and I got together
16 and we wrote for Sunnyside to be designated as a weed and seed
17 site.

18 The importance of that is that it weeds -- the
19 weeding part; it weeds out criminal activity and criminal
20 behavior and then replants -- plants seeds of hope to take the
21 place of those negative activities. And right now we are one
22 year into the grant. We are starting our second year. There
23 has been an increased police presence in the neighborhood.
24 That is what the residents wanted, and there also has been a
25 number of crackdowns on the criminal activity. We see the

1 neighborhood beginning to take shape as to what it was about
2 forty years ago in terms of neighborhood rehabilitation. We
3 are working on that right now trying to beautify the
4 neighborhood, help bring up some of the homes to standard; and
5 then also just a myriad of programs, adult programs,
6 educational programs, that all come out of the hub of the
7 community which is Killip Elementary School.

8 It's a model program that we are hoping to evaluate,
9 make sure that there's significant outcomes, and then we hope
10 to replicate it in other areas in Coconino County.

11 Each neighborhood in Flagstaff, and particularly in
12 District 2, the district that I represent, has been engaged in
13 a number of planning strategies and planning workshops trying
14 to create community activism and advocacy in the neighborhood.
15 Basically it starts with a series of community meetings that I
16 host finding out what are the issues in the neighborhood; it
17 could be anything from educational issues, to city related
18 issues, to county related issues, and then there is follow-up
19 in terms of brainstorming how can we solve those issues, what
20 resources do we need to get to address the issues. And the
21 neighborhoods are -- and the people in the neighborhoods are
22 really feeling empowered. They are learning about the public
23 process; they are learning about the political process; they
24 are learning how to be able to express their needs and go
25 through the process and really get what they need for their

1 neighborhoods. This is something that was started about four
2 years ago and has worked very well.

3 As a result of these meetings and really empowering
4 people and letting them know what the process is, there's been
5 a number of results. Youth programs at the neighborhood level
6 have been established, recreation programs. People are
7 learning that it's okay to go to city council meetings and
8 Board of Supervisors meetings. They don't need be intimidated
9 by that, and they are really taking ownership of their own
10 neighborhoods and their own community.

11 I wanted to talk a little bit about what the last
12 person had said in terms of Coconino County. You may know
13 that Coconino County is the second largest county in the
14 nation geographically, and what that does for us because we
15 have a small population but yet the largest area to cover, we
16 have people, pockets of populations, in very isolated rural
17 areas, and I think the last presenter talked about just the
18 conditions that we find in our most rural areas, and they used
19 the word third world country types of conditions. And I would
20 say that if you see any grant proposals that go to the federal
21 government and whatnot, they will always use that word as a
22 way to paint that picture; and I have to tell you that for the
23 most part that is accurate in the sense that we have people
24 living in the remotest parts of the area where there are no
25 facilities, where they need to haul their own water, where

1 they raise their own animals, where they plant their own
2 vegetables and basically live off the land. And there's a lot
3 of pride attached to that in terms of the people that live in
4 those areas, and mainly the indigenous peoples, the Navajo and
5 some Hopi. And they choose to live traditionally in a hogan,
6 and some people who have housing, the more European/American
7 style housing, will still have a hogan next to that house.
8 You know, they herd the sheep; they herd the animals. It's a
9 source of pride. Children will live in the house, and they
10 have to learn to do their homework before it becomes dark
11 because then there's no light. So then they put on kerosene
12 lights or battery operated lights. It's a way of life.

13 You heard about maybe the schools having snow days,
14 and when we have a lot of snow there's no school? Well, some
15 of the remote areas they have what they call mud days when
16 kids can't get through the mud when they are walking to
17 school, and some kids will walk three miles before they get a
18 bus to go to a school.

19 It's a choice to some degree, and then to another
20 degree it is not a choice at all. There's very little
21 economic development on the reservation. There are very
22 little -- few services on the reservation; and the schools are
23 in desperate need on the reservation.

24 We talk about the digital divide. Well, they
25 haven't even been exposed to the digital highway. You know,

1 there is a large divide.

2 Often I think people think about federal monies and
3 so much money is going to the reservation and going to schools
4 on the reservation; and certainly there are monies going
5 there, but the needs are very, very great.

6 So I think that, you know, that is accurate; and
7 until we can bring some economic development on the
8 reservation, some jobs, it will continue to be that way. And
9 I know that the Navajo nation is working with very hard to try
10 to bring economic development to the reservation. In Coconino
11 County we have a wonderful relationship with the Navajo tribe.
12 We try to help them as much as we can in terms of some of
13 their infrastructure. We have agreements in terms of roads;
14 but basically they are a sovereign nation, and so we, the
15 county, have no jurisdiction -- although they are within the
16 borders of our county, we have no jurisdiction over them, and
17 I think probably morally and ethically probably also no right
18 to tell people how they choose to live and what they choose to
19 do.

20 In terms of the Flagstaff public schools and
21 Flagstaff Unified School District, I have seen just a great
22 progression and development in the schools in the sense that
23 they are really becoming community centers. And I think you
24 have heard of potty communities and schools. Voluntarily a
25 lot of the principals and I will say specifically the Killip

1 school you will find this where they have opened up their
2 doors to the community. We don't have schools that are
3 offered traditionally any more from 7:30 in the morning to the
4 3:30 in the afternoon. We have schools that are operating
5 from 6:30 in the morning until ten o'clock at night. They are
6 used as meeting centers for the public, that have adult
7 education that's being provided out of the schools, and that
8 really their doors are open to everybody in the community.
9 And I find this to be very innovative and creative. Not all
10 the schools are doing this in Flagstaff Unified School
11 District, but I do believe that there is -- on behalf of the
12 administration that there is encouragement to do so.

13 Coconino County partnered with the university, with
14 Coconino Community College, with the City of Flagstaff and
15 with the Flagstaff Unified School District to fund after
16 school programs. We felt that was a great need in our city,
17 and so together there's been a commitment to youth programs
18 after school to make sure that kids have a place to be safe,
19 have a place to go and are not at home by themselves.

20 We have a large influx of Mexican immigrants from,
21 of course, Mexico, and schools in the city have recently
22 experienced that. When I say recently, it's been about in the
23 past I'd say three years. In the past two, greater increase.
24 And the schools at first were not as ready for it. They have
25 had ESL programs and some bilingual education programs, but

1 they weren't quite ready for the numbers of people that were
2 coming into the city, and I feel like they have a handle on it
3 now. There's not bilingual education in terms of bilingual
4 education across K-12. There's, of course, ESL. There's some
5 bilingual education, but I don't know of any school that has
6 bilingual education K-12. If they do, then that is absolutely
7 fabulous. Their funding is probably just incredible. But in
8 terms of looking at across the curriculum and through all the
9 subjects, I haven't seen that. But they are now ahead of the
10 curve really beginning to meet the needs of the students.

11 I do find a big push to hire teachers and educators
12 and administrators who can speak multiple languages; and I
13 shouldn't just say the focus is on Spanish and English.

14 There's also the indigenous languages, Navajo, and English as
15 well is very necessary, but our highest population right now
16 is Mexican immigrants.

17 I think that's about all that I have at this time.

18 MS. JULIEN: Let's go back to the schools on the
19 reservation again. Okay?

20 MS. ARCHULETA: Uh-huh.

21 MS. JULIEN: When you say that they are in great need,
22 the schools are in great need, can you give us any specifics
23 about what kinds of things they need? Whether that's more
24 teachers, more technology; what is it that they need?

25 MS. ARCHULETA: Be happy to. They need to -- they need

1 some assistance in stopping or diminishing the turnover rate
2 of teachers, the very high mobility in terms of teachers that
3 are in the schools. Teachers go there because they like to
4 have the experience on the Navajo reservation. They find out
5 how difficult it is to live the lifestyle, and you can have as
6 many -- I remember at one point when I was doing a project on
7 the reforming and restructuring of one of the reservation
8 schools, we had 24 out of 40 teachers that left in a year's
9 time. So they need to stabilize that. I don't know if it's
10 with a payment base. The teachers that go there are usually
11 first year teachers, or there have been teachers that are
12 teachers aides and they often find themselves then put in
13 there to be teaching because of a lack of teachers. So
14 there's some development needs in terms of professional
15 development.

16 There are great technology needs. If you have ever
17 tried to call a reservation school you can never get them on
18 the first ring because of the fact that there's a lack of
19 infrastructure. I mean optic fiber is not even a word there.
20 There is great needs in terms of technology.

21 A lot of the kids, I mean if you look at the poverty
22 rate on the reservation, the poverty rate is very, very high.
23 People live in poverty. So in terms of even preparation of
24 kids, I mean school, school supplies, basic needs, food; do
25 kids come to school fed and clothed?

1 It can be everything from, you know, just the
2 emotional support that kids need in the school and that
3 teachers need to be teachers all the way to infrastructure
4 needs. If you look at the buildings, most of them are run
5 down; just basic capital facilities.

6 MS. JULIEN: I have a little bit of a concern. You drew
7 a nice picture of a traditional Navajo family that choose to
8 live that way, and then what you said is there is little
9 choice; I think what concerns me is from the previous speaker,
10 making sure the people understand the difference between
11 someone who prefers to live in a traditional manner and
12 someone who has no choice out of poverty. And I think that's
13 what took us by the third world country kind of thing, fearing
14 that living in poverty traditionally was being seen as third
15 world.

16 Do you understand my concern?

17 MS. ARCHULETA: Uh-huh.

18 MS. JULIEN: And I'm hearing what you are saying about
19 the poverty and about the hunger. I want to switch to a
20 different piece, though.

21 We heard this morning about lots of strides that the
22 Flagstaff public schools have made in teaching the Navajo
23 language and in teaching Navajo culture, but I'm hearing you
24 talk about an influx of Mexican immigrants.

25 Is there anything in the curriculum that is doing

1 the same for the immigrants from Mexico; any Latin American
2 cultural programs, that kind of thing?

3 MS. ARCHULETA: There are. From the kindergarten -- in
4 fact, in one of the most innovative elementary schools in the
5 district they have a kindergarten that's taught in both
6 languages in the same room. So children who already know the
7 language are learning English and children who don't know the
8 language are learning Spanish. So it is actually -- it is
9 bilingual. I mean it is not, you know, delayed translation or
10 interpretation. It is actually bilingual. And you look
11 inside a classroom and you see on the board, you know, for
12 kids in kindergarten they have all the colors, you know, red,
13 blue, green, they have them in English, and then, you know, in
14 Spanish. So it's an atmosphere that really fosters cultural
15 pride and really communicates the message that you don't need
16 to give up one language for another. You don't need to give
17 up Spanish to learn English. You can learn both; and that it
18 is valuable to be bilingual and multi-lingual.

19 | You see that in the school from K-6. When you get
20 to middle school and high school you see that begin to
21 diminish as the subjects begin to get more specialized. And
22 that's why I'm saying I have never seen bilingual education
23 across the grades. It's just I think the nature of the fact
24 that it begins to get very specialized that it is very
25 difficult to find teachers who have that ability to use both

1 languages in the specialized areas.

2 MR. PAZ: To me she really accentuates the point that we
3 must go to the reservation, and you have a conflict here,
4 Madam Chairman, okay, because I think that we need to see --
5 I'm very confused. You are right; I think it is a way of
6 life. I wish I was there and get away from this futuristic
7 world of ours; but at the same time I would refuse to say that
8 I choose to be poor. And I just remember where my people came
9 from, and outhouses -- and I won't go through that again.
10 Okay?

11 With your experience as Board of Supervisor and your
12 knowledge of the impact of the people that have migrated from
13 Mexico and Costa Rica, do you see problems arising as to the
14 relationships with the Police Department, all agencies, in
15 terms of profiling or harassment of people that are coming
16 here looking for jobs?

17 MS. ARCHULETA: I think would it be -- I wouldn't be able
18 to characterize any harassment. I think in terms of
19 profiling, I mean do you look at a particular person and do
20 they seem suspicious in terms of activity, I have heard from
21 one constituent of mine once who said that he felt like the
22 police had profiled -- it happened to be a Mexican American
23 man who felt that he was an illegal Mexican immigrant.

24 What I do is I encourage either the constituent, the
25 citizen, to go and talk to the police chief about it or I do

1 myself; and I've done that. On that particular occasion I
2 went and talked to the police chief. And I think that, you
3 know, if we were to go with a broad brush stroke and say in
4 general does the Flagstaff Police Department profile and
5 harass, I would say no. Is there an occasion that it might
6 happen? Certainly.

7 The police presence -- in fact, I find this with
8 this weed and seed program. It's very ironic. The increased
9 police presence, most of the neighborhood said they wanted
10 that. They wanted this crackdown on crime. They wanted to
11 show that we are taking our neighborhood back.

12 There was another group after they began to see
13 that, see the police on bicycles in the neighborhood, see the
14 police patrolling, I had about two or three people say gosh,
15 there's so many police in our neighborhood. What are they
16 doing?

17 So, you know, it's a difficult balance, because the
18 fact is there is crime in our neighborhood, there is, and
19 there is speeding and there is children that are being
20 influenced negatively with drugs. And, in fact, I have --
21 down my street there have been crack houses. I mean I live in
22 that neighborhood and I grew up in that neighborhood. So I
23 have seen the change in that. So I welcome the police
24 presence, but at the same time there will be others that
25 don't. So I think you have to really balance that.

1 My experience has been that even before I became
2 someone in public service, I could call up the police chief
3 and talk to them about an issue, and they were very
4 open-minded about it. They have been to -- all those
5 community meetings that I was telling you about, they have
6 been at those community meetings. I have invited the police
7 and the police chief and they have attended. And whenever
8 there is an issue, they are right on it. They address it
9 head-on.

10 So I would say if there is an issue, it probably
11 hasn't been brought up effectively to the Police Department so
12 they can address it because I have thought of that before it's
13 been addressed.

14 MR. OSBORN: No questions.

15 MR. GATTONE: I think you are very right. There does
16 have to be a balance because I have worked with people that
17 live in neighborhoods in Tucson akin to what you are saying
18 the Sunnyside neighborhood is like, and they are people of
19 color and poor people. And I'm an attorney, too, and I
20 litigate police issues; and I had one individual come to me
21 one time and say what we should be advocating for is an end to
22 the police, and I'm like you're insane. We can't have a
23 society without the police. That's insane.

24 But I think you are right. The people that live in
25 those neighborhoods have a right and a desire to have a police

1 presence there. It's just too often then that presence begins
2 to go against them or maybe against their kids who are riding
3 around with baggy pants or whatever. You are right, it is a
4 balancing act. We have to learn as a society how the balance
5 concerns about crime and security with civil rights. So I'm
6 hoping we might be able to figure out how to do that some day.

7 The other issue is I guess I'm a little concerned.
8 I understand your ability, obviously a very educated,
9 articulate person, now a person in public office, to call the
10 police chief, but I guess my concern is about constituents.
11 And I wonder if maybe Coconino County government and I know
12 you are not on the city government, but if there's been some
13 thoughts locally to maybe setting up more user friendly for
14 want of a better term complaint mechanisms.

15 In Tucson recently in the last two years they have
16 established an independent auditor which is someone outside of
17 the police department where you can go -- and maybe you can
18 give her a call. Her name is Myanna Perez. She does a fine
19 job in Tucson -- a less effective but we still have it, a
20 police advisory and review committee which is civilians who --
21 again, they are not internal affairs. They -- because I know
22 I guess I've heard a few times today addressing formal
23 mechanisms which is great because I know you are a small town,
24 relatively small town but getting bigger, and that kind of
25 changes the dynamics.

1 So whereas you may feel comfortable calling up, I
2 just wondered if any thought had been given to any informal
3 mechanisms so that, you know, the person in the Sunnyside
4 neighborhood or wherever who might not feel that comfortable
5 might have a place where they felt more open to going to.

6 MS. ARCHULETA: Thank you for adding that, and I probably
7 emphasize this in my comments, but most certainly there's been
8 some thought given, and there is actually three very exciting
9 projects that have recently been announced.

10 First of all, the county has created three
11 commissions. This is the first time it has ever happened; and
12 I have to say as the chairperson, I'm happy to announce this
13 during my year as the chair that I really feel like will help
14 exactly what you are talking about, and that is there's been a
15 commission established for -- a commission on Hispanic
16 affairs, a commission on African American affairs and a
17 commission on urban Native American affairs; and those
18 commissions are commissions appointed by the Board of
19 Supervisors to address specific issues of employment,
20 recruitment, community issues, land use issues. I mean just a
21 whole comprehensive commission to advise the Board of
22 Supervisors. Ultimately, some of the subjects will be, of
23 course, city related. Law enforcement issues will be brought
24 up.

25 So that is the way in terms of trying to make sure

1 that we are reaching specific populations that are
2 underrepresented in terms of when you look at the audiences in
3 our meetings and who impacts policy. We don't often see
4 people from those particular groups represented. So we are
5 being proactive about appointing these commissions so they can
6 advise us.

7 The city is in the process of making an announcement
8 that they are going to be appointing a commission on ethnic
9 diversity. That should happen in the next few weeks here.
10 They will utilize that commission as well to advise the mayor
11 and the city council. The mayor is appointing a commission to
12 the mayor.

13 In the neighborhoods themselves in terms of really
14 being grass roots and reaching the people, we have a community
15 policing, but more than that in our neighborhoods we have
16 neighborhood associations that are forming. Some of them are
17 already in the process of getting their 501(C)3 status so they
18 can become -- they can be available to receive grant funding.
19 They can start neighborhood services. They can become CDCs.

20 And so we have a lot of that very grass roots
21 organization happening, and that's where part of it is the
22 education of these processes that I'm telling you about. So
23 it's not just me that is contacting the chief of police or the
24 superintendent of schools on behalf of the citizen. It is
25 them knowing that they can be empowered to contact those

1 individuals as well.

2 So, there's a lot happening. The movement has been
3 happening in a short time frame. I would say in the past
4 three years is what you will see -- you've seen this movement.
5 If you were to ask me is it different today than it was three
6 years ago, I would say yeah, there's a lot that has happened
7 in the past three years.

8 CHAIRPERSON WEBB-VIGNERY: Do these commissions have any
9 paid staff?

10 MS. ARCHULETA: They will have paid staff. They also
11 have funding that will be given to them.

12 CHAIRPERSON WEBB-VIGNERY: I have two questions --

13 MR. PAZ: Can you imagine this? The north land is known
14 for its diversity of people. Maybe 2001 you could come up
15 with a commission on diversity? Oh, my.

16 CHAIRPERSON WEBB-VIGNERY: I heard the community college
17 people say that they had two things that were happening that
18 were really going to improve education for minority youth, and
19 one was the new college that was being placed and the second
20 one was distance learning; and I'm trying to figure out how
21 distance learning is going to affect those young people who
22 are in the traditional setting on the Native American
23 reservation.

24 Is there any thought given to that in terms of --

25 MS. ARCHULETA: Well, we are very proud of distance

1 learning, first of all. We are really happy to see that they
2 are going to begin to implement that at an even faster pace.

3 The one thing that Coconino County has is a
4 partnership with Northern Arizona University for the distance
5 learning. NAU has sites throughout the reservation where they
6 have the distance learning classrooms set up in computer
7 centers. So the only way they have been able to provide that
8 distance learning is through that partnership with NAU, and
9 NAU has provided these areas in the very remote parts of the
10 reservation. So, you know, they have the ability to connect
11 via computer at those particular sites.

12 Now, in terms of people being able to connect to the
13 web out of their homes, unless they have electricity they
14 won't be able to, but they will be able to get in their cars
15 and drive to sites. It may be, you know, a half an hour
16 drive, 40 minute drive, to get to those sites, and that
17 creates some access issues, of course. Everyone can't access
18 it because everyone won't have the car or the ability to be
19 able to do that.

20 But we are very hopeful this distance learning -- if
21 the reservation continues to have the infrastructure in place,
22 then this will be an amazing way to get education to those
23 isolated areas.

24 CHAIRPERSON WEBB-VIGNERY: That's good. My second
25 question is on county programs, there has been very little

1 coordination between Pima County and the reservations up until
2 current times. That's simply because the reservation was
3 viewed to have different monies than what was flowing into
4 Pima County, and it was felt that the reservation could take
5 care of their populations. But I see reasonably that there's
6 more of a coming together on dealing with the issues.

7 Do you see that happening in your county as well?

8 MS. ARCHULETA: I would say there's been a long history
9 of that. I'd be proud to say probably about a 15 year history
10 in terms of Coconino County and the reservations working
11 together and trying to -- where there's ability to have some
12 cross jurisdictional types of programs, we embark on that.
13 Even some cross jurisdictional planning, economic development
14 planning, land use planning, we provide them with, you know,
15 staff that are able to help with that.

16 There's been a very strong history and corroboration
17 between the two entities, and I think it's just efforts of,
18 you know, individual counties in terms of how they perceive it
19 and how --

20 CHAIRPERSON WEBB-VIGNERY: I'm just talking specifically
21 about youth and how youth are dealt with and viewed.

22 MS. ARCHULETA: Sure, sure. We have a lot of programs
23 for youth, for example, out of our career center. We have
24 programs for youth that dropped out. Most recently we
25 allocated some funding for an alternative center for youth in

1 Page which will serve a lot of native American youth. That's
2 something that didn't exist before. And so we are very
3 concerned about youth. Plus each supervisor has the ability
4 to engage in any projects that he or she would like to engage
5 in; and we just happen to have two supervisors in District 4
6 and District 5 who are -- their constituency is within the
7 reservation, and they are very, very active in trying to find
8 resources for the reservation, for youth in specific.

9 CHAIRPERSON WEBB-VIGNERY: Thank you. Are there any
10 others?

11 (No response.)

12 CHAIRPERSON WEBB-VIGNERY: Well, I want to thank you for
13 meeting with us today.

14 MS. ARCHULETA: Thanks. I need to tell you that it's
15 been a pleasant surprise that Mrs. Julien is here because she
16 was my advanced English teacher in high school. So see,
17 everybody's paths cross at some point later on in life.

18 Thank you very much.

19 MR. GATTONE: Thank you.

20 CHAIRPERSON WEBB-VIGNERY: I would ask Anna Marie Johnson
21 to come up.

22 Good afternoon. If you could give us your name, and
23 your address and who you represent for the record.

24 MS. JOHNSON: My name is Anna Marie Johnson, and my
25 address is Post Office Box 392 Shiprock, New Mexico 84720, and

1 I'm an attorney with the Native American Protection & Advocacy
2 Project; and NAPAP is the designated protection & advocacy
3 project for Navajo, Hopi and Paiute and have been since 1994.

4 The National Association of Protection & Advocacy
5 Services created what is called the indian consortium in
6 recognition that serving these areas that are more remote from
7 Phoenix, and Albuquerque and Salt Lake City is more difficult,
8 and there are cultural and language barriers that need to be
9 overcome as well as a certain expertise in indian law areas
10 that isn't usually developed within a protection and advocacy
11 system. So we were designated separately to serve Native
12 American communities. We represent disabled individuals and
13 deal almost exclusively in the education area.

14 CHAIRPERSON WEBB-VIGNERY: Okay. And you've been asked
15 to come today just to describe what your view is of how native
16 American youth are faring in the education system.

17 MS. JOHNSON: Uh-huh.

18 CHAIRPERSON WEBB-VIGNERY: And also if you have any views
19 on how minorities are being treated in the justice system.

20 MS. JOHNSON: Ah, that's a huge subject.

21 There are two different educational systems that we
22 deal with. We deal with the state public schools as well as
23 the Bureau of Indian Affairs schools, and in most of the
24 communities on the reservations you are going to have both.
25 Children can choose to go through either the state system or

1 the BIA system, and they cross back and forth quite often.

2 And then we deal with the state public schools in the border
3 towns along the reservations.

4 As a whole, children going through the public school
5 and the Bureau of Indian Affairs school systems are not
6 receiving the same education that they would receive in --
7 well, in a more urban area and in schools with a larger white
8 population.

9 How familiar are you with the Navajo reservation?
10 You know it covers three states, and there is what we call the
11 strip in Utah which is the smallest portion of the Navajo
12 reservation in the southeastern corner of Utah; and for many,
13 many years Utah said we are not going to educate those people.
14 We're not going to educate the Navajos down there. If they
15 want an education, they are going to have to deal with it on
16 their own.

17 It took a lawsuit to force the state of Utah to even
18 build a school on the Navajo reservation, and the result of
19 that legislation was a school system and school buildings
20 built in Monument Valley, Utah, to serve the Native American
21 population in southeastern Utah.

22 Through a consent decree that has been monitored
23 throughout the years, and an expert recently went through and
24 said if you have got a very bright child who is working very
25 hard, very self-motivated, willing to do a lot of work on

1 their own, they might graduate with an eighth grade education;
2 whereas in Monticello, Moab, getting further and further out,
3 less and less minority populations in the schools you are
4 going to graduate with at least a 12th grade education from
5 those schools. That is still going on today. This report is
6 only a year old.

7 The same is true in the school systems on the
8 reservation. The vast majority of teachers are not certified.
9 A majority of teachers have not even gotten their college
10 degrees yet and they are teaching subjects that they are
11 keeping only one day ahead of the students in.

12 There has been a push recently to get schools on the
13 reservation plugged into technology, and that's great.
14 Children can learn a lot, but it's being used as a substitute
15 for the basics. We have children who are graduating who can't
16 read, who can't write a simple sentence, who don't know what
17 the grammar is. And it is not just in the special education
18 area. That's a whole other subject entirely whether or not
19 children get any education if they have a disability and if
20 they are cognitively impaired.

21 I can't say that the border communities are much
22 better. In most of the school districts in the border
23 communities the population's going be half and half, at least
24 half minority and in cases up to two-thirds or three-quarters
25 minority. And you find the same sort of things going on.

1 There is a lot of staff that are not certified; have not got
2 their college degrees, everybody's working on waivers. And
3 the level of education is not bad if you were to go the
4 Albuquerque, Santa Fe, Phoenix, Tucson, places like that.

5 And in some cases -- we deal a lot in the area of
6 special education, making sure that the children with
7 disabilities get an education first of all, and then get the
8 related therapies that they need in order to benefit from
9 their education; and in most instances school districts don't
10 have available the physical therapists, the occupational
11 therapists, the speech therapists that are needed for these
12 children, or if they are available they are at such reduced
13 hours that children don't get anywhere what they need.

14 Very often the school districts will say we have a
15 contract with this therapist coming out from Flagstaff to
16 serve the entire Navajo nation. That means that she can give
17 each child in the district a half an hour a month where
18 somebody with a severe speech impediment may need at least
19 that a week, and they are not getting at all what the children
20 need.

21 We have children in special education who are
22 graduated through the system with the schools not
23 understanding that there's got to be transition planning so
24 that they are prepared to go out into the community.

25 I had a young girl who graduated recently at age 20

1 who had never had a transition plan done; did not know how the
2 count change, or tell time or anything like that. She was
3 simply warehoused through the school graduating when she
4 reached 20 and sent home to her mom who found a private
5 program through the state division of developmental
6 disabilities where she is getting help eight hours day in a
7 day care type program who has now in just a few short months
8 learned all those things. She can now tell time. She can now
9 make change, count money, she can read signs. She is working
10 toward being able to work in the community and being at least
11 somewhat self-sufficient; but that is something that should
12 have been done during her years, and she attended a public
13 school.

14 We have recently brought suit against the Bureau of
15 Indian Affairs for their lack of providing any type of special
16 education and related therapies. The Bureau of Indian Affairs
17 is lacking in that area as much as the public schools are
18 across-the-board.

19 CHAIRPERSON WEBB-VIGNERY: Okay. Any questions?

20 MS. JULIEN: It's my understanding but I want to
21 double-check, the reservation schools qualify for student loan
22 forgiveness, right? If teachers teach on the reservation,
23 they can have their student loans forgiven; is that right?

24 MS. JOHNSON: It's supposed to work that way. That's
25 what I have heard, but I have also heard from educators who

1 are on the reservation that it doesn't always work.

2 MS. JULIEN: Okay. I heard you say that special ed
3 services are not always what they are supposed to be.

4 What about services for gifted and talented children
5 on the reservation?

6 MS. JOHNSON: Are just as lacking. Children who are
7 gifted and talented, there's a young man that is dyslexic but
8 he has got an I.Q. of nearly 150. He's a very talented young
9 man, and there's nothing in the program for him at all.

10 MS. JULIEN: Do you know if the state guidelines for
11 identifying gifted and talented children are approached?

12 MS. JOHNSON: No. No, I don't think they are.

13 MS. JULIEN: So you wouldn't know what is being used to
14 identify gifted and talented children?

15 MS. JOHNSON: No. I honestly don't know. I think the
16 school districts -- some of the school districts have been
17 raked over the coals recently for taking children with English
18 as a second language and placing them mostly in special
19 education instead of treating them as ESL students, and I
20 think they have been concentrating on identifying children who
21 are ESL as opposed to special education and taking care of
22 that problem, and I think children who are gifted and talented
23 are just not being identified. They have been taken to task
24 more for not identifying children who need special education
25 and those who are ESL, and I think the gifted and talented are

1 sort of being forgotten at this point.

2 MS. JULIEN: For a while I was monitoring the progress of
3 students in Ganado and I haven't monitored that for a while.

4 Are there certain places on the reservation where
5 things are brighter than the big picture we have been painted
6 in the last five and-a-half hours?

7 MS. JOHNSON: Yes, there are. There are specific schools
8 with administrators that are great, and they go out and they
9 are recruit wonderful talented staff that stay, that actually
10 do stay and are there for a long term, and they do have --
11 there are schools out there that are doing great.

12 MS. JULIEN: Can you give us the name of one or two.
13 What we would be looking for are programs that could be
14 replicated. If somebody is doing it well, it would be
15 interesting to look at what they are doing.

16 MS. JOHNSON: I think Central Consolidated School
17 District, it is on the New Mexico side of the border, they are
18 doing a good job.

19 MS. JULIEN: And is that public?

20 MS. JOHNSON: That's a public school district. I also
21 think Ganado has improved a lot, at least their regular
22 education program. Their special education program is
23 something else, but their regular education program works and
24 their high school in particular I think is great.

25 MS. JULIEN: I never looked at their special education

1 department. Interesting.

2 MS. JOHNSON: Part of it is there has been a turnover
3 there in directors almost every single year.

4 Let's see, the Bureau of Indian Affairs school out
5 at Standing Rock I think does a wonderful job. It's a very
6 small residential school with dormitories.

7 MS. JULIEN: I don't know where Standing Rock is.

8 MS. JOHNSON: It's west of Crownpoint. It's going to be
9 north and east of Gallup.

10 MS. JULIEN: Okay.

11 MS. JOHNSON: I'm trying to think of something that is
12 near here. Go out to the Bureau of Indian Affairs school at
13 Shonto which is just north of here, probably an hour or an
14 hour and 15 minutes.

15 MR. PAZ: I appreciate your work. Okay? We have heard
16 testimony -- actually this morning we heard testimony that
17 native American people bring a lot of money to Flagstaff and
18 helps their economy; but this afternoon testimony presented to
19 us is kind of to the contrary because we heard terms like
20 third world people, communities, and the picture you portrayed
21 I think is very real but it is also a little bit to be arguing
22 in terms of quality.

23 Where are these people that bring the money to
24 Flagstaff to raise their economy coming from?

25 MS. JOHNSON: I think they come from across the

1 reservation. Flagstaff is the town where everybody comes in
2 to buy their cars, their trucks, their horse trailers and all
3 of that. You may not have individuals who are buying brand
4 new year 2000 pickup trucks. They tend to be those who are
5 coming in and buying the used ones and getting ripped off and
6 making used car dealerships very wealthy.

7 You have people -- you've got all of these -- the
8 trading posts and all of these galleries around here that are
9 making a great deal of money off of the art work that comes
10 off the reservations. You know, a rug that my client will
11 come in and sell to me for \$75 is selling for 3,000 in the
12 galleries here in Flagstaff, and I think in that sense a lot
13 of money is coming into the community from every-day people
14 coming in and buying their groceries and buying their
15 automobiles. You have people who come in, will work and live
16 in Flagstaff for a time and then move back home, and will come
17 back and work in Flagstaff and live in Flagstaff for a time
18 and then move back home. It's where you go to get your
19 clothing; you know, Wal-Mart and whatever else is in town.

20 People are bringing in a lot of money just spending
21 it on normal every-day stuff that you're not going to be able
22 to get out of the city, Ganado, Moenkopi.

23 MR. PAZ: You have a tremendous wealth of people who live
24 in this part of the county, part of our state. Do they choose
25 to live there; do they choose to live in those conditions?

1 MS. JOHNSON: Yes, I think so. Most people I talk to and
2 that are friends of mine say I choose to live here, this is my
3 home, this is where I feel connected. If it's possible I
4 would live here forever and I would want my children to live
5 here forever. But they want electricity. They want running
6 water. They want a phone service in their homes. They don't
7 want to have to move off to be able to get that sort of stuff.
8 They would rather stay where they are and they will put up
9 with not having it now but will work towards getting it.

10 MR. PAZ: And they want to be educated.

11 MS. JOHNSON: And they want to be educated. Everybody
12 that I have worked with wants to have an education, wants to
13 be able to get it here instead of being told that well, if you
14 really want an education, move somewhere else, move off the
15 reservation.

16 MS. JULIEN: I want to make sure I understood what you
17 were saying. They want to live in the area where they live.
18 They want to live rurally but with amenities that rural people
19 in Nebraska have.

20 MS. JOHNSON: Yes.

21 MR. PAZ: People here in the big city worry about
22 problems. One of our biggest problems in Flagstaff is
23 alcoholism primarily when Native Americans come over here to
24 visit, or to purchase or to help the economy.

25 Why can't the people from Flagstaff understand why

1 they are alcoholics?

2 People are saying I don't know what I can do about
3 it. Well, yes, there are many things that can be done about
4 it, but they simply don't have those amenities, they don't
5 have the education on the reservation. So when they do come
6 and spend a little bit of money here, they get into trouble.
7 And it's a cycle, and nobody can understand that.

8 MS. JOHNSON: I don't know the answer to that one. You
9 know, I don't know that it is not an understanding, that
10 people don't understand why it is happening as much as it may
11 be wanting to close their eyes as to why it happens. I think
12 people understand that there is no -- that the economic
13 opportunities living out in some of the areas is nonexistent,
14 and that, you know, teenage and 20s and whatnot children that
15 are let loose on their own with nothing to do and know that
16 they are not as educated and they are not able to get work,
17 it's going to happen.

18 MS. JULIEN: And alcohol is still illegal on the
19 reservation.

20 MS. JOHNSON: It is, at least on Navajo and Hopi. I
21 don't think it is everywhere else, but on Navajo and Hopi it
22 still is.

23 MR. GATTONE: I was wondering do any of your clients ever
24 come to you with concerns, law enforcement concerns, concerns
25 about being stopped by tribal police, or border patrol or any

1 other law enforcement agencies?

2 MS. JOHNSON: Yes. Because we are a project of DNA
3 People's Legal Services, we get people coming in to us for
4 everything, and we have to tell them no, you go here or you go
5 here for that particular question. But for the long time I
6 was also the director of the Native American Family Bonds
7 Prevention Project, and I heard a lot of complaints about the
8 tribal police, particularly in that area.

9 MR. GATTONE: What sort of complaints? Can you give us
10 sort of a general overview?

11 MS. JOHNSON: The Navajo nation police force is so small
12 that domestic violence calls are not answered. In the ranking
13 of things that they have to answer on a particular night, a
14 domestic violence call even if it's violent is just not going
15 to be answered, or if it is it's three or four hours later and
16 the damage has been done.

17 You have problems with the tribal police and the
18 state police or the county law enforcement officers not
19 working together. So if you have got a woman who is in a
20 shelter who has just crossed the border to get into a shelter
21 and getting a domestic violence protection order say from
22 Navajo County or Apache County and then trying to get it
23 enforced back home on the reservation, it doesn't work. And
24 it works the other way; a woman who has a domestic violence
25 order from the tribal court can't get law enforcement in the

1 counties to recognize it because those two agencies aren't
2 working together to make sure that they recognize each others
3 orders. And you can't get somebody who needs to be jailed
4 transported off to where there is a jail because the county
5 and the tribal police don't have a working agreement to be
6 able to do that sort of thing.

7 The complaints I get also are that a lot of law
8 enforcement are the perpetrators, and they are not -- they are
9 protecting their own.

10 MR. GATTONE: Perpetrators of domestic violence?

11 MS. JOHNSON: Of domestic violence, and they are not
12 going to arrest or treat the same, their own members, as they
13 would somebody else out in the community.

14 The complaints I get from clients who are going
15 across the border into the counties and into the state is that
16 if you look Native American, you are stopped.

17 I had a personal friend of mine who was at my house
18 having dinner and my community is about half Anglo, half
19 Hispanic and just a little bit of Native American population.
20 She was driving home to Shiprock and it was 10:30 at night on
21 the main street and she got pulled over simply because she
22 looked Native American, not because she was speeding and she
23 certainly hadn't had alcohol or anything like that.

24 MR. GATTONE: By the county sheriff?

25 MS. JOHNSON: By the county sheriff.

1 MR. GATTONE: Coconino County, I'm assuming?

2 MS. JOHNSON: No. I lived over in San Juan County, New
3 Mexico.

4 MR. GATTONE: I'm sorry.

5 MS. JOHNSON: You get complaints around here, too, that
6 if you are driving the highway, at least the complaints I got
7 are that they are pretense stops; that they are going to stop
8 you because you look Native American or you look Hispanic as
9 opposed to I could be going down a freeway at 95 miles an hour
10 and may not be pulled over. Friends of mine complain that
11 they are going exactly 77 miles per hour and they are pulled
12 over.

13 MR. PAZ: But the sheriff testified that it doesn't
14 happen.

15 CHAIRPERSON WEBB-VIGNERY: We have time for one more
16 question.

17 MR. OSBORN: Mr. Johnson, with respect to the lawsuit
18 that you had filed, was that filed against the general public
19 schools or BIA schools?

20 MS. JOHNSON: We had three different. We have one class
21 action lawsuit against the Bureau of Indian Affairs and the
22 Department of Interior. I have a separate lawsuit that is
23 against the state of New Mexico and one county school
24 district, and there's another one against a county school
25 district in the state of Utah.

1 MR. OSBORN: And the ones against the public schools in
2 New Mexico, is the brunt of your argument that they are not
3 living argument state laws and regulations.

4 MS. JOHNSON: Uh-huh.

5 MR. OSBORN: And is it the same in the BIA schools?

6 MS. JOHNSON: The one in the BIA lawsuit is that they are
7 not complying with the Individuals with Disabilities Education
8 Act which is the federal law that applies to state schools as
9 well as the BIA schools.

10 MR. OSBORN: Have any of the defendants indicated a
11 willingness to negotiate it out?

12 MS. JOHNSON: Yes.

13 MR. OSBORN: They have?

14 MS. JOHNSON: Yes. And we had a scheduling conference in
15 federal court yesterday afternoon as a matter of fact. We
16 were talking with the Department of Justice attorneys that
17 were there representing the Bureau of Indian Affairs.

18 MR. OSBORN: I see. So you feel like you are making some
19 progress?

20 MS. JOHNSON: I think we could make progress. At this
21 point, the Department of Justice has filed a motion to dismiss
22 for all the reasons that you do that when you have a lawsuit.
23 So settlement at this point I think is going to wait --
24 serious discussion of settlement is going to wait until after
25 the Court has ruled on the motion to dismiss. We may narrow

1 the issues, we may lose a couple; but they have appeared
2 willing to settle, and we have definitely told them we are
3 willing to sit down and talk.

4 MR. OSBORN: Again, you filed on behalf of whom? Who is
5 the plaintiff?

6 MS. JOHNSON: The plaintiff are five families who live on
7 Navajo and Hopi who attend Bureau of Indian Affairs schools.
8 All of these children are disabled and are not receiving
9 special education; and we are looking to make it a class for
10 all disabled children attending Bureau of Indian Affairs
11 schools across the country.

12 MR. OSBORN: And then your agency is what exactly?

13 MS. JOHNSON: The Native American Protection & Advocacy
14 Project.

15 MR. OSBORN: And who funds that?

16 MS. JOHNSON: We get funding under the Federal
17 Administration for Developmental Disabilities the way all the
18 state protection and advocacy systems do. We also get funding
19 through the Vocational Rehabilitation Act under their
20 Protection and Advocacy For Individual Rights. I forget what
21 all the acronyms mean sometimes.

22 MS. JOHNSON: Thank you.

23 CHAIRPERSON WEBB-VIGNERY: I want to thank you for
24 meeting with us this afternoon, and I believe we have
25 completed this portion of our interview.

1 MR. GATTONE: Thank you.

2 MS. JOHNSON: Thank you very much.

3 CHAIRPERSON WEBB-VIGNERY: And the next person is Terry
4 Hance.

5 MR. HANCE: Good afternoon. My name is Terry Hance. I'm
6 the Coconino County attorney. My business address is 110 East
7 Cherry here in Flagstaff, zip code 86001.

8 As county attorney, I have two roles as all the
9 county attorneys in the state do. I am the counsel for county
10 government and I'm also the chief prosecutor for all crimes
11 that occur in county boundaries excluding federal enclaves,
12 which obviously is the Hopi and Navajo reservation. I have
13 the privilege of also being a special U.S. assistant district
14 attorney to appear periodically on behalf of the United States
15 in the local magistrate court on cases that are brought in
16 primary for initial appearances in preliminaries hearings.

17 You may or may not be aware that while there is a
18 tribal police system, the tribal court system is limited to
19 misdemeanors and I believe one or two classifications of
20 felonies. Most all of the felony crimes that occur on the
21 reservation are investigated by the FBI and prosecuted through
22 the United States District Court. And so myself and two other
23 people in the office periodically on the part of the
24 government rather than having someone drive up from Phoenix to
25 appear for, again, initial appearances and preliminary

1 hearings.

2 I represent the area that was described by Sheriff
3 Richards which is about 18,560 square miles. There are a
4 number, I believe it's five -- and you will have to excuse me,
5 I'm a morning person rather than an afternoon person -- I
6 represent the City of Sedona or at least half of it which is
7 one of the wealthiest communities in the United States. I
8 also represent for prosecution purposes the city of Fredonia
9 which is essentially trying to die and is just too tough to do
10 it, the City of Page, the City of Williams and the City of
11 Flagstaff for prosecution purposes.

12 My office in addition to doing all of the felonies
13 that occur in the county also prosecute all the juvenile cases
14 that occur in the county outside of the reservation areas and
15 all misdemeanors that occur outside of the municipality.
16 Those would be cases the sheriff would have that we would
17 investigate.

18 We handle about 1200 to I think it is closer to 1400
19 felonies this year that we will be prosecuting to the superior
20 court, an average of 2500 misdemeanors. Those are primarily,
21 not exclusively but primarily, traffic cases that occur off of
22 I-40 and I-17; and we will review around 2500 juvenile
23 referrals and probably end up charging somewhat in the area of
24 700 of those.

25 Our juvenile program here has a very active

1 diversion program. What that means is if someone is referred
2 to juvenile for a status offense or a low level offense, that
3 those people are given the opportunity to go through
4 counseling, restitution, and community service program rather
5 than have a conviction on their record; and that's frankly how
6 we are handling the vast majority of at least initial
7 referrals. There is also a program set up for juveniles here
8 that is referred to as the alternative center that we deal
9 with a lot of frankly young people off the reservation that
10 may be arrested for illegal consumption or some other heavy
11 offense. It is a non -- it is a custodial but non-jail sort
12 of situation, noninstitutional sort of situation; and our hope
13 is to have those people housed there for the time that it
14 takes to contact a responsible adult who can take custody of
15 them.

16 And I'm sure what must be now close to eight hours
17 of hearing, you have probably more questions; and I frankly
18 would be more comfortable answering your questions than trying
19 to tell you more about what we do.

20 CHAIRPERSON WEBB-VIGNERY: I will turn the questioning
21 over to Paul Gattone.

22 MR. GATTONE: I appreciate you coming out this afternoon,
23 and I do have a few questions to kick things off.

24 One of the issues that we have been very concerned
25 about is racial profiling, and we have got some information

1 back and forth about racial profiling.

2 I was wondering has your office made any attempt to
3 collect any statistical information that might be relevant to
4 proving or disproving the existence of racial profiling?

5 Your area is well, Coconino County.

6 MR. HANCE: Right. Actually we fortunately or
7 unfortunately have a set of cases that are dealing with racial
8 profiling that were filed by a group of local attorneys, and
9 we are at the discovery stage which means we are still
10 gathering information. The initial premise of the case dealt
11 with allegations of racial profiling involving African
12 American individuals as opposed to First Nation individuals or
13 peoples of Hispanic derivation.

14 The only data that we have collected is a profiling
15 of -- and I should say collection rather than profiling -- of
16 DPS tickets because the allegations are against the Department
17 of Public Safety specifically, no other law enforcement
18 agency -- deal with the warning tickets, the traffic tickets
19 and repair orders that have been issued since last October;
20 and of that I can give you a very rough breakdown of
21 statistically what those numbers are.

22 MR. GATTONE: Sure.

23 MR. HANCE: Approximately five percent of the individuals
24 who were stopped were identified as being African American,
25 approximately 80 percent were identified as being white,

1 another 12 percent as being Native American and the remainder
2 being Hispanic.

3 MR. GATTONE: Okay. So this is a breakdown of people who
4 have been stopped but not charged?

5 MR. HANCE: No. Those were individuals who were given
6 traffic tickets who ended up in the criminal justice system in
7 some fashion.

8 MR. GATTONE: Do you have statistics available on people
9 who have been stopped, had some sort of contact but then are
10 not charged?

11 MR. HANCE: By DPS regulations, at least since last
12 January -- and, again, I can only tell you what we have
13 collected -- the statistics are roughly the same, perhaps a
14 percentage point one way or another. DPS has issued a general
15 order that anyone who has contact with the public will write a
16 report of some form.

17 MR. GATTONE: Are you able to provide us or at least
18 staff with any sort of summary? We don't necessarily want
19 to see the thousands of tickets or whatever, but I assume
20 there's some sort of compilation that's been made up.

21 MR. HANCE: We have a rough compilation at this point.
22 It has not been admitted into evidence in court for the
23 purpose of this hearing, but for our working purposes, yes, we
24 do have those compilations.

25 MR. GATTONE: You could provide that to our staff?

1 MR. HANCE: Yes.

2 MR. GATTONE: The other question that I have is do you
3 have any breakdown, demographic breakdown, primarily by race
4 or national origin on the cases that you prosecute in criminal
5 court?

6 MR. HANCE: No. Our understanding is that by federal
7 regulations we are not allowed to collect that information.

8 MR. GATTONE: So you could not tell us the number of
9 Blacks or Hispanics --

10 MR. HANCE: We do not keep that data, and I believe we
11 are restricted by federal regulations from collecting that
12 data. It's nothing that we keep track of in our record
13 system.

14 MR. PAZ: Is there a lot of data regarding the reports by
15 the Sheriff's Department regarding undocumented people in this
16 area?

17 MR. HANCE: I can't tell you what that is because it
18 doesn't hit our part of the system. My advice has been to
19 both the police department and Sheriff's Department
20 historically that they have no authority to interact with the
21 person who they may suspect as being undocumented. That if a
22 person who is being brought into custody on other charges
23 proves to be undocumented, that they are to be released unless
24 an INS officer comes and arrests them.

25 I think our position in this county officially and

1 functionally is we are not in that business. If they are
2 remanded by an individual of competent authority, that we will
3 keep them and respect the law enforcement authority of that
4 person, but it is not our primary enforcement duty.

5 I know the city of Flagstaff -- I should have given
6 you some history, I guess. I've been a prosecutor since 1975
7 in addition to being a civil attorney at some point along the
8 way; and during my time that I have worked for the city of
9 Flagstaff, there was a consent agreement entered into by the
10 city of Flagstaff not to interact with individuals who were
11 suspected of being undocumented.

12 Now, I could be wrong and correct me, but I think
13 that's the functional policy at this point.

14 MR. OSBORN: Let me ask you this question: With respect
15 to undocumented aliens who are arrested on some other charge
16 and brought to the county jail, is it your belief or do you
17 have knowledge whether the jail then notifies INS that they
18 have in custody an undocumented alien?

19 MR. HANCE: I do not have any knowledge of that. That is
20 not within my operation or purview. My recommendation
21 previously when that has come up is that that is not the best
22 policy to follow.

23 MR. GATTONE: But I guess is there a written policy
24 anywhere? Have you made like a memoranda? I mean I assume as
25 the county attorney that there would be times when -- well,

1 the Sheriff's Department must have their own legal advisor,
2 too.

3 MR. HANCE: No, we are their legal advisor.

4 MR. GATTONE: There are times where the sheriff says,
5 "Terry, what should I do about this?" and you issue a
6 memorandum or something.

7 I mean is there any sort of written directive about
8 non-cooperation?

9 MR. HANCE: I have to fall back on being over 50, and I
10 can't tell you for sure. My memory is that there probably is,
11 but I can't tell you for sure that there is because the issue
12 I believe came up originally in the mid '80s, and I believe
13 there was written instruction at that point, but that's a long
14 time ago.

15 MR. GATTONE: Sure. But you have not done -- how long
16 have you been in office, sir, I'm sorry?

17 MR. HANCE: I have been in office as county attorney
18 since 1992, and I've been in the county attorney's office
19 since 1977.

20 MR. GATTONE: So since your tenure began in 1992, you
21 don't recall -- and I'm trying not to be an attorney and I'm
22 not cross-examing here.

23 MR. HANCE: I have not under my signature issued a
24 written memorandum to that effect.

25 MR. GATTONE: Okay. Thank you.

1 MR. PAZ: Just one question. I'm only 52 and I can't
2 remember this morning, but I think I heard testimony to the
3 effect that if they arrested an undocumented person, that the
4 Sheriff's Department would call INS.

5 MR. HANCE: Again, I can't tell you --

6 MR. PAZ: Well, the testimony will show that the sheriff
7 will call the INS. Would record of that be kept?

8 MR. HANCE: I can't tell you because I'm not that
9 familiar with the operation of the jail. My suspicion is that
10 it probably would be if there were a way to go back and check
11 each individual prisoner's jacket.

12 MR. PAZ: The reason, of course, for questions is because
13 the reason we are here is because we have received various of
14 these complaints in this area, not only in Flagstaff but
15 throughout the state. And people do complain that perhaps the
16 Sheriff's Department is cooperating or participating with INS
17 in the application of undocumented people. And to your
18 knowledge you have no --

19 MR. HANCE: I am not aware of that. I can tell you that
20 as a matter of fact at least on three different occasions over
21 the past six to eight years I have been contacted personally
22 and I know other people in my office have been contacted about
23 that we have an individual who is perhaps undocumented or is
24 suspected of being undocumented. What should we do. And our
25 advice has been we have no enforcement authority in that area.

1 Our recommendation is that you release them. If you have no
2 state charges and there is no competent federal authority
3 willing to take custody and remand them based upon that arrest
4 to your custody, release them.

5 MR. PAZ: Okay. Thank you.

6 CHAIRPERSON WEBB-VIGNERY: I want to thank you for
7 meeting with us this afternoon.

8 MR. HANCE: Could I add one more thing?

9 CHAIRPERSON WEBB-VIGNERY: Sure.

10 MR. HANCE: And this is completely gratuitous and I'm
11 sure that is not uncommon.

12 During the time that I have been in office I have
13 had an opportunity to travel on the Navajo reservation, and
14 there is no people on the face of this earth that value an
15 education more nor work harder to achieve an education for
16 their children.

17 I would ask that if you have any questions about
18 that that you take the time to follow one of the buses from
19 Page or from Tuba City or Leupp and there are many, many
20 people who put their children on a bus for four, five and six
21 hours a day when most of us here are complaining about getting
22 our kids to soccer that may take 15 minutes. It is an
23 incredible thing. And I pass no judgment on people who choose
24 to live by a different culture or perhaps may be forced to by
25 economics, but if there is ever any question as to the desire,

1 it is certainly there. Thank you.

2 MR. GATTONE: I have one last question, I'm sorry.

3 When I was talking about the racial profiling
4 statistics, I know we had a lot of information today about
5 that DPS situation, but do you collect or have any information
6 relevant to the Sheriff's Department?

7 MR. HANCE: No. And if you are familiar with the NCIC
8 reports which are primarily filled out by the Sheriff's
9 Department, there's two categories on NCIC reports and that is
10 white or a non-white. That doesn't give us an ethnic
11 background. Those are primarily what are filled out by the
12 Sheriff's Department.

13 I have to tell you that the issue has not been
14 raised with them. So I have not looked at what their
15 reporting methodology may be. I do know the DPS does keep
16 track now of ethnicity. I cannot speak for any other law
17 enforcement agency. Perhaps Assistant Chief White can shed
18 some information on that. I simply don't know.

19 MR. GATTONE: Okay. We will wait.

20 MR. HANCE: If there are no other questions, thank you.

21 CHAIRPERSON WEBB-VIGNERY: Thank you very much.

22 MR. GATTONE: Could we have five minutes?

23 CHAIRPERSON WEBB-VIGNERY: Yes, we could.

24 (A recess was taken.)

25 MR. WHITE: My name is Robert White and I'm the deputy

1 chief of police for the city of Flagstaff. My address is 120
2 North Beaver Street, Flagstaff, Arizona; and I'm the only one,
3 I guess, that got to stay through the whole thing other than
4 the members of the commission here. And I just wanted to
5 touch on a few points, and I kind of got the feeling maybe
6 sitting here and listening that there may be some follow-up
7 questions or some things that I could try and clarify on your
8 behalf; but I wanted to make a few observations about the
9 hearing.

10 Most of the people who showed up here, I would say
11 they are people I'm acquainted with; people from the schools,
12 people from the University, certainly Supervisor Archuleta,
13 people that I have worked with for a number of years.

14 I've lived in Flagstaff 27 years and I've worked
15 with the police department for 25, and I'm very proud of this
16 police organization. It's not a job to me. It is something
17 I'm very proud of. I can't say that when I first came to work
18 here I was proud of the way that things were done; and I will
19 kind of reiterate what our chief said, there were some real
20 issues there. And through any number of reasons, I would like
21 to think one, that education enlightened me in a lot of ways.
22 I have a Bachelor's and Master's degree from Northern Arizona
23 University. I get involved in a lot of other outside
24 activities out of law enforcement. I think that that is very
25 important for law enforcement to do.

1 Whenever you get in your discipline so the speak
2 sometimes we tend to look at things through a little crack in
3 the fence; and I like to use an analogy of somebody watching a
4 football game through the forty yard line and 42 yard line,
5 and by that viewing they have a total view of what a football
6 game is all about, when in reality they don't really know all
7 the intricacies of the game but they form their opinion by
8 that crack in the fence and that becomes their world.

9 When we lock ourselves into our world, we miss a lot
10 of things. And it doesn't matter whether we are in the legal
11 profession, in the criminal justice system or in the education
12 system, if that is all we look at we see things skewed, and I
13 believe that.

14 One of the things that has concerned me a little bit
15 today, and maybe concern isn't the right word, but talking
16 about racial profiling, and I will have to direct this -- I'm
17 a little disappointed in Mr. Paz in his blanket statement at
18 the end of the morning session that racial profiling, he is
19 convinced it's going on. I don't know how in the world
20 anybody could have drawn that conclusion by asking Catherine,
21 I believe was her name, Kasch, when you asked her about the
22 term recycling and she said that's to put something in and it
23 comes out better, and you turned that into profiling. I'm not
24 quite sure how you did that. When you asked the gentleman
25 from the public schools who is a language expert if he had any

1 knowledge of law enforcement profiling, it was obvious he was
2 very surprised by that question and he had no idea; and at the
3 very end with Mr. Rodriguez because of what he read in the
4 paper that he thought it might be going on, but your
5 conclusion was that profiling was going on.

6 That really bothered me because when I sat here and
7 I listened to the chairperson talk about coming up on a fact
8 finding mission, that seemed to me this was more a
9 confirmation hearing on your part than a fact finding mission.
10 I have the distinct feeling that you were already convinced
11 that it was going on and you just wanted some information that
12 would confirm your allegations, and I guess I would submit
13 that that in itself is profiling; that you have done exactly
14 what people sometimes accuse the police of doing, of taking
15 small facts and coming up with a conclusion. Now, we all do
16 that.

17 I have to agree, and I don't always agree with
18 attorneys and sometimes I don't, but I know Mr. Phillips not
19 only professionally but personally. I hold no animosity
20 against Mr. Phillips, but I do believe in one thing that he
21 said. He talked about his belief that profiling was going on;
22 but what he also said at the end was we have to get to the
23 facts. And if the facts don't show that statistically
24 speaking, then we are wrong.

25 And for you to jump to that conclusion, Mr. Paz,

1 without any facts, that really disturbs me.

2 After that morning conference because we talked
3 about people that we stopped, I quickly called my records
4 person because we keep records on everything, and I asked her
5 do me a racial breakdown of our DUI arrests, because those are
6 stops, from the first of the year to the present; and roughly
7 speaking out of 450 DUI arrests -- and incidently, we are
8 probably the most aggressive police department you will find
9 on the face of the earth when it comes to drunk drivers. We
10 arrest more per capita than any other city in Arizona and will
11 continue to do so. Statistically speaking, 48 percent of our
12 DUIs are white, about 40 percent are native American, about
13 eight percent are Hispanic and about two percent are black.

14 Does that show that we arrest a disproportionate
15 amount of native Americans as compared to their population?
16 Yes, it does. I think, though, that has been explained not
17 only by myself but by any number of people about the situation
18 that border towns deal with when it comes to alcoholism.

19 And when we talked about recycling Native Americans,
20 I think that needs to be put in a context that we constantly
21 deal with the same people time and time again. I wish I knew
22 what the answer was.

23 Back in the '70s we decriminalized being a drunk.
24 It's not against the law to be drunk. We also opened up our
25 mental institutions, and people who go around who are mentally

1 dysfunctional become the problems of police.

2 So do we deal with a chronic number of native
3 Americans? Might we even stretch a law to put them in jail?
4 And I find them laying next to the road passed out and I know
5 it's going to be 20 degrees below zero that night; is that
6 person going to probably wind up in the custody of the county
7 jail? You're darn right they are. That's exactly where they
8 are going to be. I will try the hospital, and when they tell
9 me they are intoxicated, we don't want them, that's where that
10 person is going to be because I've seen enough cases where
11 that person has wound up on the tracks, that person has wound
12 up stiff as a board the next day, and I would rather do that
13 than deal with the other consequences.

14 What is the answer to alcoholism? I wish I knew.
15 If anybody here knows, you could market it and you would make
16 billions. I don't know what the answer is.

17 When Chief McCann talked about our commitment to
18 individual rights and life, that is very important to us.

19 One of the things that Mr. Gattone asked was how
20 often had we used deadly force, and our chief did not give a
21 number. So let me give you a number because I told Mr.
22 Gattone this in the hall.

23 In the 27 years that I've been here we have used
24 deadly force four times. Once in 1973, twice in 1990 and once
25 unfortunately about four weeks ago. We have been criticized

1 because of our lack of using it. People have told us time and
2 time again this was a shoot situation. Life is important to
3 us. Everybody's life is important to us.

4 I thought I needed to address you on that, Mr. Paz,
5 not personally, but when we talk about things and how we draw
6 inferences. When we talk about profiling, I think you need to
7 be very careful. For the most part, people expect police
8 officers based on their experience, you know, you can call it
9 hunches -- we watch movies about good police officers who have
10 hunches. I don't have hunches. I have things that I can
11 articulate in my mind after 25 years of working the streets;
12 and I can take you to a place -- when I used to work in
13 narcotics I could take you down to the train station because
14 we constantly got smugglers out of that train station.

15 And it's ironic, Mr. Phillips and I laughed about
16 it, but occasionally he would be at that train station while I
17 was working. He knew exactly what I was doing. And based on
18 the things I saw, I could tell you that statistically speaking
19 this person is highly likely to be carrying narcotics with
20 them. And you know what? There is not one person that I ever
21 asked, ever, that did not have narcotics with them. Ever.

22 Now, does that just mean I'm a good guesser? That
23 doesn't mean I'm a good guesser.

24 Mr. Gattone, as an attorney you draw inferences from
25 certain things which allows how you try to convince somebody

1 to draw a conclusion out of it. And I think Supervisor
2 Archuleta was correct, sometimes people want us, sometimes
3 they don't. How much do you want the police in your
4 neighborhood. And it is a balance, and I think we have some
5 outstanding men and women who do this job who are looking to
6 people like you to tell me what I'm supposed to do. Tell me
7 what you want. Do you want me to do this? Do you not want me
8 to do this? And when it comes up with civil rights
9 violations, that's why were saying to you whoa, I thought this
10 is what you wanted me to do.

11 Mr. Phillips brought up some civil rights he has
12 filed. What he neglected to say was that none of them have
13 ever been substantiated. And when the woman I believe from
14 Window Rock talked about her friends who said, "they stopped
15 me because of," you know, I can't fight ghosts. I can't joust
16 with windmills. Who are those people? Everybody in here has
17 heard a rotten story about a cop. They stopped me because.

18 I guess those are just kind of the things I wanted
19 to say. I appreciate you letting me speak.

20 His hand was coming up.

21 MR. GATTONE: I guess I just have a couple of things.

22 You are right, as an attorney I do work on
23 inferences, but in some sense I'm in a very different position
24 than a police officer is because you are right, if I don't do
25 my job right, there can be consequences. Someone can go to

1 jail, someone can lose their case. But no one ever dies. So
2 police are in a tough position, I agree with you, but I also
3 think, too, that what we -- and I'm speaking somewhat on a
4 personal opinion. What we want you to do is what you are
5 supposed to do, you know, to serve and protect; you know, that
6 old motto.

7 The problem that I have is there's a park about two
8 blocks up the street from my office and a lot of street kids
9 hang out there. The people that live in there \$250,000 homes
10 around the park don't want the kids there. So they tell the
11 police they don't want the kids there. So the police go and
12 they use every means possible to force those kids out of the
13 park. And the cops say to me, "They want us to do it, Mr.
14 Gattone." And I say to him, "But that's the point where you
15 have to say I'm sorry, you can't have me do that because I am
16 a servant of the people and of the law."

17 So I guess that's the tough part, and maybe that's
18 the balance that we have to reach. But I think what we want
19 the police to do is the same thing my client's want and I'm
20 sure the people want in the Sunnyside neighborhood, to have
21 the police be there protecting them. But unfortunately in a
22 civilian run society we can't have the police use any means
23 they think. I guess we can't take a Malcolm X approach, by
24 any means necessary, because we can't.

25 It's unfortunate. People said to me are you trying

1 to tie the police hands? I said in certain instances, yes.
2 You would agree that there are certain things that the police
3 hands have to be tied, because there was a time way back when
4 where tying someone up in a chair and beating them with a
5 rubber hose was probably routine police procedure.

6 MR. WHITE: I've read about stuff like that, but I've
7 never seen that.

8 MR. GATTONE: Some time ago we could probably agree that
9 was routine police procedure, but over time in the majority of
10 instances that's no longer used.

11 So you are right, we have to strike a balance; but
12 you have to always remember that we are a civilian run society
13 and I think we want the police to be in a comfortable position
14 just as we want the community to be in a comfortable position
15 with the police.

16 MR. WHITE: I would agree with you, and I think that goes
17 back to our mission statement. The most important part in
18 that is that we protect the rights of the individual.

19 If somebody were to do that in our community, say we
20 want these people out of this area because they fit into
21 whatever mold they don't want them in, we wouldn't do it. You
22 have to set the standard in that regard.

23 I'm happy to say that one group that has not been
24 touched on, but one of the things I think traditionally
25 speaking is when you deal with people who are gays or lesbian,

1 how do the police protect them and do that. And I would
2 invite any of you to come down and look at our wall in our
3 office where our local gay and lesbian community has given us
4 awards every year for standing up for their rights.

5 Do I agree with their lifestyle? No, but that has
6 nothing to do with what I do for a living; and the rights of
7 the individual are paramount.

8 I agree with Mr. Phillips. If racial profiling is
9 going on, it is intolerable and it has to stop. I will agree
10 with that.

11 CHAIRPERSON WEBB-VIGNERY: Mr. Paz.

12 MR. PAZ: Before I forget, my immediate family I have an
13 FBI, a DEA and a fire chief, and I hear law enforcement talk a
14 lot.

15 Profiling starts with names. Recycled people is a
16 development of a profile. I applauded the person who said
17 repeat offenders, more politically correct and perhaps more
18 professionally correct; but recycled people is in my opinion
19 profiling.

20 MR. WHITE: Well, I would disagree with you respectfully
21 so. Recycled was meant in the context that they go through
22 the system time and time again. Sheriff Richards at the very
23 end also used the word recycled, and it would disturb me that
24 you would draw a conclusion based on one word. That would
25 disturb me.

1 CHAIRPERSON WEBB-VIGNERY: Perhaps in this case, this has
2 been a learning experience for all of us.

3 MS. JULIEN: Going back to the data that you gave us on
4 the DUI arrests.

5 MR. WHITE: Yes.

6 MS. JULIEN: I have heard repeatedly from the chief and
7 from yourself a commitment to not be profiling.

8 I don't think the arrest data is what is going to
9 bring to us whether it's institutional or one officer at a
10 time kind of profiling.

11 MR. WHITE: Sure.

12 MS. JULIEN: A couple of reasons that we keep asking the
13 question is that we hear repeatedly a perception that Native
14 Americans have a high alcoholism problem. Whether that's a
15 high public alcoholism because they are not at home, that
16 whether it is higher than everybody else because it is public
17 or whether it is higher per capita we haven't established.
18 But I'm curious, thought, and I would hope that you would be
19 curious and that you would perhaps start keeping these
20 statistics because we haven't seemed to be able to get at them
21 today is not how many DUI arrests are made, but how many stops
22 are made where arrests don't happen, because that's what gets
23 to profiling, stereotyping, whatever you want to call it. And
24 if there is an officer that tends to make a lot of stops of
25 native American males, or Hispanic females or whatever, then

1 you can see a trend; but the only numbers we have been given
2 are arrest numbers.

3 I would hope that the Department would see that it's
4 important to find out how individual officers are doing as far
5 as stops they make where the arrests doesn't have to be there.

6 MR. WHITE: I can address that. Our records are open any
7 day, any time, everything that we do. I mean from mornings,
8 to what we call field interview cards, to arrests. If you
9 want to come down and read a report you just tell me. If you
10 want to take it with you it's four bucks.

11 MS. JULIEN: What happens if nothing is done? I get
12 stopped. I get accused of being drunk. I'm not and I'm told
13 to go on my way.

14 MR. WHITE: We monitor every traffic stop and officer
15 makes, what we call an event number. We count how many
16 warnings they issue, we count how many citations they issue.
17 We also count how many times they did a traffic stop with no
18 enforcement whatsoever on an individual basis. What you will
19 generally see is that about one or two percent of the time an
20 officer may write 40 citations, 50 warnings, and twice he
21 stops somebody and didn't do anything.

22 We encourage them to document every single stop.
23 It's not always possible. Somebody stops somebody for a
24 taillight violation, and they go back to their car and you get
25 an emergency call. They get their license back and you are

1 out of here and it's done.

2 Now, in regards to individual officers, we did have
3 -- somebody brought to our attention one of our city
4 councilmen that possibly this officer was having a difficult
5 time with Hispanics, and we dealt with that officer
6 individually. We went back on his reports and we said how
7 often is he dealing with Hispanics; what are the complaints.
8 Is it a complaint that he is overaggressive; is it a complaint
9 that he used poor judgment in making an arrest? So those
10 things are monitor.

11 One of the things Mr. Gattone asked for and we tried
12 to come up with an agreement was the use of force things which
13 we do document. Every time we use force an officer has to
14 fill out a report. That form is reviewed by everybody
15 through the staff. And what we will occasionally do is say
16 give me all the use of force forms that Officer Jones filed in
17 the last six months. Let's see if we have got a pattern with
18 this guy. Let's see if we can profile this guy and see where
19 is he going. I mean is he having more than anybody else, and
20 if so, what is the reason. Is it because he has a spun out
21 gratitude and he is one of those people that will prod people
22 into a confrontational issue to where he in his mind then
23 justifies, you know, using some sort of physical restraint or
24 Macing them?

25 So we do do that also. Again, all of those things

1 are open to the public, and the things that I will send off to
2 your commission what did we agreed on a year or no more than
3 200 because they go back ten years. We keep this stuff for a
4 long time. Our records are open to anybody.

5 MR. GATTONE: I just note to the committee we spoke out
6 in the hallway. I took the liberty of saying I thought we
7 were interested in statistics on the use of force in a year or
8 200 probably would give us a good indication. I did not clear
9 that with the body here, but I thought that that would be
10 acceptable.

11 CHAIRPERSON WEBB-VIGNERY: Is that okay with everyone
12 here?

13 MR. OSBORN: Fine.

14 MS. JULIEN: It sounds like to get the number of
15 non-arrest stops would be easy, too, because there aren't very
16 many of them?

17 MR. WHITE: Very rarely do we not document something when
18 we make a traffic stop. A traffic stop is usually just a
19 warning, a citation or possibly a full custody arrest.

20 MS. JULIEN: Is it possible to get the statistics on
21 non-arrest stops?

22 MR. WHITE: On just warnings and citations, yes.

23 MS. JULIEN: Or non-warning stops.

24 MR. WHITE: To where they don't do anything?

25 MS. JULIEN: That's right.

1 MR. WHITE: Oh, no. What you would have to do is go back
2 and ask people based on your memory last month you stopped
3 three cars and didn't document them. Who were they.

4 MR. GATTONE: So the officers don't fill out some form
5 every time they have a contact?

6 MR. WHITE: Not necessarily.

7 MR. GATTONE: That was something that came up in our
8 Tucson hearing with the chief in Tucson. I guess my thought
9 was it would probably be smart policy for both ends, civil
10 rights and the law enforcement perspective, to have an officer
11 -- granted, officers have to fill out all sorts of stuff --
12 every time you stop someone fill out a little card and submit
13 it saying stop. Check the box on the race and what happened,
14 nothing. Let it go because I think one, if racial profiling
15 isn't happening, it will disprove it. If it is happening, it
16 would be good from both angles; but hopefully something good
17 will come out of these sort of hearings.

18 MR. WHITE: It would be a good idea. Sometimes it is
19 just not practical just because of the nature of the business.
20 How much time do we spend filling out this form. And if you
21 are involved in a domestic situation and you are in physical
22 danger and I'm filling out this form on somebody who ran a red
23 light, we have to make those decisions. And we do encourage
24 our offices to always document. Will it always happen? No.

25 I mean we stop and talk to kids who are ten years

1 old. Are we going to fill out a form that we stopped ten year
2 old Johnny on a bike, which will wind up happening because
3 cops by their nature hate paperwork anyway. What they will
4 wind up doing is just not stopping anybody.

5 MR. GATTONE: Okay. All right. Deal.

6 MR. WHITE: We all to have eat, counselor.

7 And if I can make one other point clear. You had
8 asked about the undocumented workers. My best recollection is
9 pretty much as Terry's; that we have not arrested undocumented
10 workers in 15 to 20 years.

11 MR. OSBORN: My question was with respect to the jail
12 because we had a witness testify.

13 MR. WHITE: And that's what I was going to address. To
14 the best of my knowledge, there have been times where INS
15 would say -- because they will get complaints. People will
16 call and complain, and this has been a chronic problem over
17 the years, that there are a lot of illegal aliens,
18 undocumented workers in Flagstaff. We say you need to call
19 INS. It is not something we deal with.

20 So pressure is put on INS to deal with the issue up
21 here. They will call us and say if you come across anybody in
22 the course of your work and you have another charge, call us
23 we are going to come and get them. And in that regard we will
24 call them and say I've just arrested this person for
25 shoplifting, and they go we are going to put a hold on them.

1 shoplifting, and they go we are going to put a hold on them.

2 So that has happened, but that is at their request.

3 And people kept saying do we cooperate with INS? Of
4 course we do. I mean they are a federal law enforcement
5 agency; and if they were to come into town and say we need
6 your help doing something. Have we assisted them in raiding a
7 house? No. Have they come to us and said we are going to go
8 to this place. We would like you to come along. We're not
9 going to tell them no, especially if there's a possibility of
10 danger being involved. That would be totally against what we
11 stand for. We are not going to turn our back on another law
12 enforcement agency just due to the fact that we don't have
13 jurisdiction over that particular law.

14 Does that clarify things in that regard?

15 MR. GATTONE: Thank you.

16 CHAIRPERSON WEBB-VIGNERY: Thank you very much, and I'm
17 glad we had time to have some dialogue here and some
18 communication.

19 Is there anyone else who would like to give some
20 testimony?

21 (No response.)

22 (WHICH WERE ALL THE PROCEEDINGS HAD ON THIS DATE.)

REPORTER'S CERTIFICATE

I, PAUL H. LANDSMAN, do hereby certify that the foregoing 255 pages constitutes a full, true and accurate transcript of the proceedings had in the foregoing matter, as done to the best of my skills and ability.

WITNESS my hand this 18th day of October, 2000.

Paul H. Landsman

PAUL H. LANDSMAN, CSR/RPR