



**FOCUS ON SOLUTIONS TO
STOP POLICE BRUTALITY
IN CALIFORNIA AGAINST
AFRICAN AMERICANS
July 2005**



The California State NAACP Officers

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ment

“The NAACP has long made the elimination of police abuse a priority. The California hearing is one of many activities that will take place until these senseless crimes stop. The individuals cited in this hearing not only had their civil rights violated by those charged to protect them, but many also died needlessly. As it was with lynching, we will not stop until racial profiling and other abuses are no longer tolerated.”

Julian Bond, Chairman
National NAACP

We dedicate this study to the following victims of police abuses cited in this study

Aaron Williams

June 1995, San Francisco, Beaten to death

Jaime Jarurequi

March 1996, Los Angeles, unarmed, shot ten times to death

Tyisha Miller

1998, Riverside, shot by four police officers as she slept in her locked car

Margaret Mitchell

May 1999, Los Angeles, mentally ill, killed

Donald Venerable, Jr.

2001, Sacramento, unarmed citizen killed who called for police assistance

Orintheo J. Swanigan

2001, Sacramento, UC Davis student beaten by police

Michael Henry

June 2003 Oakland, run down by a police car

Stanley Miller

June 2004, Los Angeles, beaten with a flashlight

Devin Brown

2004, 13 years old, joy riding in his mother's car, unarmed, died from ten shots

Winston Hayes

2005 Compton, 120- rounds fired at him, suspected his vehicle was used in a crime

Susie Marie Pena

July 2004, 19 months old, killed by police as her drunken father held her as a shield

We also pay tribute to the many unreported cases of police abuse

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Focus on Solutions

March 18, 2005 a hearing was held in Los Angeles to search for solutions to end the current waves of police brutality against the African American community. The event was sponsored by the California NAACP, the National NAACP, the Los Angeles Branch and Service Employees International Union, Local 1000. This report is a compilation of findings and recommended solutions.

“The taking of Devin Brown’s life because he was joy riding in his parents’ car has stirred the souls of our members across this country, and they and we are suggesting that enough is enough. Each time we experience such a tragedy in California, a law enforcement policy or a practice is changed, but over the long term those changes do not bring about a substantial change in police conduct toward our community. There is always a next time.”

- Alice Huffman
NAACP State President

The tragic slaying of 13-year-old Devin Brown by a Los Angeles Police officer was the stimulus for this hearing. Its goal was to gather testimony from public officials, criminal justice experts, civil rights groups, and community activists for the purpose of identifying solutions to the problem of police violence toward people of color in California.

This report explores the solutions offered by the participants, expands upon them, establishes a continuum of problems and issues that must be addressed, and makes specific recommendations for action.

- Hearing Panel Members:

Alice Huffman, President, California State NAACP and National NAACP Board Member

Willis Edwards, National NAACP Board Member

Gwen Moore, former Assemblywoman and third Vice President, California State NAACP

Judy Chu, Chair, Assembly Select Committee on Hate Crimes

Darnell Cooley, First Vice President, California State NAACP

Marangu Marete, Treasurer, California State NAACP

Geraldine Washington, President, Los Angeles Branch, NAACP

- Presenters:

Bill Lockyer, Attorney General, State of California

James Hahn, Mayor, City of Los Angeles

Dr. Devon Carbado, Professor of Law, UCLA

Khalid Shah, President, Stop the Violence/Increase the Peace

Wren T. Brown, Actor/Filmmaker

Bill Overton, Author, "The Media: Shaping the Image of a People"

Danny Bakewell, Owner and Publisher, Los Angeles Sentinel

Hal Snow, Assistant Director, California Commission on Peace Officers Standards and Training (POST)

Angela Ciccolo, Interim National Legal Counsel, NAACP

Ronnie Cato, Sergeant, LAPD, and President, Oscar Joel Bryant Foundation

Tory Reese, Board Member, African-American Summit on Violence Prevention

James Harris, Community Coalition

Police Beatings and Killings

“White Americans don’t see the racism and the discrimination as we do. So when they are on those juries and things like that, they’re much more sympathetic to police officers. They tell us all the time, ‘I don’t care what happens. You have a tough job. We understand what you’re going through.’ – almost sympathizing with police officers, no matter what they do.”

- Sergeant Ronnie Cato, President
Oscar Joel Bryant Foundation
(Black Police Officers Association, LAPD)

Conventional wisdom acknowledges that Blacks and Whites view the criminal justice system and the police in particular, from opposite shores of a vast gulf of disagreement. White suburbanites hold a very favorable opinion of the police and highly value the security they provide, while inner city Blacks view the police in a far more negative light – a dangerous presence that both threatens and fails to protect the members of their community. Increasingly, these negative opinions are shared by California’s growing Latino and Asian communities – a development that hardly bodes well for the future of our nation’s most diverse state.

From time to time, some highly-publicized incident brings hope that – at last – everyone will see and understand the basis for and the reality of the poor regard in which African-Americans hold the criminal justice system. The most famous and ultimately heart-breaking incident of this sort involved the 1991 beating of Black motorist Rodney King. This was the moment when the world of technology caught up with the dirty little secret of police brutality. Captured on videotape by a civilian bystander, the beating was shown over and over again on media outlets worldwide.

The universal public outrage over this incident was shared by the African-American

community, where it was accompanied by the belief that, in the face of such damning evidence, the public would not and could not continue to ignore or dismiss Black assertions about police brutality. That optimism died with the acquittal of the officers involved by an all-White jury in the Los Angeles suburb of Simi Valley. The Simi Valley verdicts, in turn, led to the most violent and destructive riots in over a quarter of a century.

The terrible scenario that unfolded in South Central Los Angeles in the Spring of 1992 was completely predictable. It followed the same pattern that characterized earlier uprisings – a pattern clearly articulated by the National Advisory Commission on Civil Disorders (the Kerner Commission) in 1968:

“Almost invariably the incident that ignites disorder arises from police action. Harlem, Watts, Newark and Detroit – all the major outbursts of recent years – were precipitated by routine arrests of Negroes by white officers for minor offenses. To many Negroes, police have come to symbolize white power, white racism, and white repression. And the fact is that many police do reflect and express these white attitudes. The atmosphere of hostility and cynicism is reinforced by a widespread perception among Negroes of the existence of police brutality and corruption, and of a ‘double standard’ of justice and protection – one for Negroes and one for whites.”

In the bloody aftermath of the Rodney King beating, the U.S. Department of Justice filed civil rights charges against three of the officers involved. The late Tom Bradley, then-Mayor of Los Angeles, established the Independent Commission on the Los Angeles Police Department (Christopher Commission) to evaluate the policies and practices of the LAPD and to make recommendations to reform the Department. The findings of the Christopher Commission echoed those of the Kerner Commission years before:

“Within minority communities in Los Angeles, there is a widely-held view that police misconduct is commonplace. The King beating refocused public attention to long-standing complaints by African-Americans, Latinos and Asians that Los Angeles Police Department (LAPD) officers frequently treat minorities differently from whites, more often using disrespectful and abusive language, employing unnecessarily intrusive practices, such as the ‘prone-out,’ and engaging in excessive use of force when dealing with minorities.”

To date, progress in implementing the recommendations has been slow, and incidents of gross police misconduct toward persons of color and the poor in Los Angeles and elsewhere in California continue to occur.

Among the most notorious:

- June, 1995 – San Francisco: Aaron Williams, a suspect in a \$50 pet store burglary, died in police custody after being beaten and repeatedly pepper-sprayed. Once subdued, according to witnesses, Mr. Williams was kicked in the head numerous times by an officer wearing steel-toed boots.
- March, 1996 – Los Angeles: Police attempted to stop 23-year-old Jaime Jarurequi for questioning. An hour long chase ensued. Mr. Jarurequi, after turning into a dead end street, attempted to back up toward the patrol cars. Officers then opened fire, hitting him ten times. It was subsequently determined that Mr. Jarurequi, who was unarmed, had not been involved in the crime officers had sought to question him about.

- December, 1998 – City of Riverside: Tyisha Miller, age 19, was shot and killed by four police officers as she slept in her locked car at a local gas station. Officers fired 27 shots, hitting Miss Miller (who reportedly had a gun in her possession) at least a dozen times.
- May, 1999 – Los Angeles: Margaret Mitchell, 55 years old, mentally ill, and homeless, was shot and killed by an LAPD officer after she threatened him with a 12-inch screwdriver. The officer and his partner had been pursuing Ms. Mitchell for possession of a possibly stolen shopping cart.
- October, 2000 – Los Angeles: An officer responding to a neighbor's complaint of excessive noise, shot and killed actor Anthony Dwain Lee at a Hollywood Hills Halloween party. Mr. Lee had pointed a toy gun at the officer, whom he may have mistaken for a party guest in an LAPD costume. Both the victim and the officer were African-American.
- June, 2001 – San Francisco: Idris Stelley, a 23-year-old African-American with a long history of mental illness, was shot and killed at a downtown movie theater by police officers responding to a call for assistance with a "psychiatric disturbance."
- July, 2001 – Oakland: Jamil Wheatfall, a 36-year-old African-American, who was a suspect in a bank robbery, was beaten to death by six Oakland police officers after attempting to surrender.
- Sacramento California Orintheo J. Swanigan, a model UCD university student was severely beaten and Donald Vererable, Jr. an unarmed citizen who called for police assistance was killed by them.

- July, 2002 – Inglewood: Donovan Jackson, a 16-year-old African-American special education student with developmental disabilities, was handcuffed, slammed into the trunk of a patrol car, punched in the face, and choked. The young man and his father had encountered the officers at a gas station, and the officers decided to investigate a lapsed vehicle registration on the father's car. The incident was videotaped by a tourist; the tape was played and replayed on television stations around the country. The Los Angeles District Attorney declined to prosecute the officers involved.
- June, 2003 – Oakland: Michael Henry, a 17-year-old youth, was being chased by officers through an East Oakland neighborhood in the aftermath of a drug raid, when another Oakland PD officer happened upon the scene in his patrol car. According to witnesses, the officer struck Mr. Henry with his car in an effort to stop the chase. Mr. Henry, who sustained cuts, bruises, and injuries to his legs, had no drugs in his possession.
- June, 2004 – Los Angeles: Stanley Miller, an African-American from Compton, was driving a stolen car when he was spotted by the police. With television news helicopters hovering overhead, Mr. Miller jumped from the car after a brief chase and ran, with officers pursuing him on foot. When Mr. Miller stopped and raised his hands in the air, he was tackled by officers and beaten with a large flashlight.
- February, 2005 – Los Angeles: Devin Brown, 13-years-old, black, and an eighth-grade student at Auburn Middle School in south Los Angeles, was out for a joy ride, when police, suspecting a drunk driver, began a low speed, three-minute chase. The young man, who had collided with a fence, was attempting to back up, when an LAPD officer fired ten shots. Five bullets struck the unarmed Devin Brown, who died at the scene.

- Subsequent to this hearing, May, 2005 – Compton: Winston Hayes, an unarmed black motorist, was driving slowly around his neighborhood, when L.A. Sheriff’s deputies tried to stop him because his vehicle resembled the description of a vehicle involved in an earlier crime. After a very low speed pursuit, Mr. Hayes bumped into a patrol car. At that point, 12 deputies began shooting wildly. In all, at least 120 rounds were fired, five nearby homes were hit, with bullets barely missing innocent people in those homes. Mr. Hayes and a sheriff’s deputy were injured.
- July 2005 – the Los Angeles police killed a 19 month old baby, Susie Lopez, while the child’s mother pleaded with officers to hold their fire and which was directed to her intoxicated husband who was suffering from depression. This was the result of a three hour standoff.

The foregoing list includes only those incidents which received substantial media attention in the cities and regions in which they occurred. There is no comprehensive list of incidents ignored by the media and no record at all of the many official acts that have frightened, demeaned, and brutalized but gone unreported. Furthermore, beyond the individual incidents catalogued above, there have been two major scandals – the Ramparts case in Los Angeles and the Riders case in Oakland – in which groups of police officers engaged in routine acts of brutality and the wholesale violation of the civil and human rights of members of the very communities they were sworn to protect.

- Ramparts

One of the more bizarre episodes during the sensational 1995 murder trial of O. J. Simpson involved Mark Fuhrman, an LAPD detective who, at the behest of an aspiring screenwriter, made hours of tape recordings, boasting endlessly about how he and his fellow officers had mistreated, abused, and even brutalized African-Americans, Hispanics, and women, including female police

officers. For ethnic communities in Los Angeles, Fuhrman's claims had the ring of truth. For the prosecution – and, apparently for much of the public – Fuhrman's confessions were little more than hyperbole, the somewhat pathetic effort of a cop trying to impress a writer who might put his tales on the screen. These sorts of things might happen in "L.A. Confidential," the reasoning went, but not in real life.

Such reassurances, along with the naïve assumptions underlying them, would evaporate just a few years later, as the Rampart scandal began to break – a scandal eerily foreshadowed by the Fuhrman tapes. It began with the arrest of Officer Rafael E. Perez for stealing eight pounds of cocaine (with an approximate street value of \$1 million) from a police evidence locker. Officer Perez was assigned to the LAPD's Ramparts Division, located in Pico Union, a predominantly Hispanic neighborhood that is among the most densely populated areas in the United States. There he was part of an elite anti-gang team called CRASH – "Community Resources Against Street Hoodlums."

Facing the certain loss of his job and a lengthy incarceration, Officer Perez decided to trade information for leniency. In the interest of saving his own skin, he single-handedly obliterated the "code of silence" which had long served to protect him and his colleagues. His confession exposed instance after instance of corruption, cover-ups, brutality, frame-ups, robberies, extortion, drug-dealing, attempted murder, and murder. In one case, Officer Perez admitted that he and his partner on October 12, 1996, stopped 19-year-old Javier Francisco Ovando in the hallway of an apartment building. They then handcuffed him, shot him in the chest and head, removed the handcuffs, and planted a sawed-off shotgun in his hands. Mr. Ovando, who survived but is permanently paralyzed, was tried for the attempted murder of a police officer. At the trial, Officer Perez and his partner testified that they had been on stakeout in a vacant apartment, when Ovando broke down the door and aimed the shotgun at them. The officers claimed they fired in self-defense. Javier Ovando was convicted. Citing his "lack of remorse," the judge sentenced him to 23 years in prison.

Another illegal CRASH shooting revealed by Officer Perez also occurred in 1996. In this instance, he and eight other officers went to an apartment building, allegedly to arrest two gang members. Instead, they charged in, shooting indiscriminately. Jose Perez was shot in the back with no warning; Juan Saldana was killed in another part of the building from multiple gunshot wounds; and Salvador Ochoa was seriously wounded while walking down the stairs with his children. Jose Perez and another, uninjured resident had weapons planted on them by CRASH officers, and Perez was eventually charged with the murder of his friend and neighbor, Juan Saldana.

Although the members of the CRASH unit promoted themselves as elite warriors in the war on crime, in reality they functioned much like the street gangs they were supposed to be policing. New members of the unit were “jumped in” (i.e., beaten) as a form of initiation; they got together for “kill parties” to celebrate police killings. They were engaged in on-going shake-downs of and fierce competition with the very drug dealers they were supposed to have been arresting.

CRASH officers compiled huge databases with the names of alleged gang members. In some poor Los Angeles neighborhoods, these databases included half of the young people who reside there. This information, in turn, served as the basis for the legally questionable “anti-gang injunctions” sought by the Los Angeles District Attorney. By some estimates, the officers implicated in the Ramparts scandal provided nearly half of the names included in the injunctions. Rafael Perez himself provided information as a “narcotics expert,” and several prosecutors cited the police shooting and subsequent conviction of Javier Ovando as evidence for the necessity of the injunctions. L.A.’s anti-gang injunctions have become a model for cities throughout California and the nation.

Dozens of LAPD officers were implicated in the Ramparts scandal; hundreds of convictions had to be re-examined; and the people of Los Angeles were forced to pick up the tab for tens of

millions of dollars worth of civil court judgments.

- The Riders

At about the same time that the CRASH unit of the Ramparts division was rampaging throughout Pico Union and South Central, a small group of officers known as the Riders were roaming West Oakland, where they kidnapped and beat suspects, planted drugs on them, and then filed false reports to cover up their actions. The principle difference between the CRASH officers and the Riders lies in the lack of any alleged financial corruption (i.e., theft, drug-dealing) on the part of the Riders and the fact that their victims were all African-American.

The Riders were a four-man, night-shift crew that patrolled West Oakland, where new development co-exists with open-air drug deals and nightly gunshots. At the peak of their careers, they were considered the best, the brightest and the toughest in blue – role models for rookie officers. They specialized in bringing in drug dealers in record numbers from West Oakland’s mean streets. They were led by Francisco “Choker” Vasquez (the nickname came from his skill at subduing suspects), a former gang unit officer; Clarence “Chuck” Mabanag, a former narcotics officer nicknamed “Batman;” Jude Siapno, who won first place in the intermediate boxing division at the 1999 World Police and Fire Games in Sweden; and Matt Horning, a graduate of California State University at Chico, who had previously worked for a Bay Area car rental agency.

In July, 1999, a rookie officer, Keith Batt, joined the crew. After just ten days on the job, Officer Batt resigned and reported his former co-workers’ activities to the Internal Affairs Department of the Oakland Police Department. In the wake of Officer Batt’s allegations, “Choker” Vasquez fled and remains the subject of an FBI search. Mabanag, Siapno, and Horning were all fired. They were subsequently charged with criminal offenses.

The trials of Mabanag, Siapno, and Horning began in September, 2002. One victim testified that he had been beaten by the officers, driven to a remote spot and beaten again while in handcuffs. Another claimed one of the Riders hit him so hard that the blow dislocated his shoulder. Still another accused one of the officers of paying him for information with a rock of cocaine. Several more charged that drugs had been planted on them as false evidence. All three were acquitted on all counts. A retrial which ended in May, 2005, produced the same results. The Alameda County District Attorney threw in the towel and announced he would no longer pursue the charges. According to recent media reports, all three officers want their jobs back, along with assignment to West Oakland.

The management of the Oakland Police Department could hardly have been surprised by the allegations against the Riders. All four officers had been the subject of federal civil rights suits and citizen complaints. The City of Oakland had already paid some \$200,000 to settle suits involving Siapno and Mabanag, while lawsuits were pending against Vasquez and Horning at the time Officer Batt made his report to Internal Affairs. Siapno and Mabanag had each shot and killed a suspect in separate incidents, and Horning had been accused of choking a member of the rhythm-and-blues group Tony!Toni!Tone! in a well-publicized incident in March of 1999.

No one knows where the next scandal will erupt. No one knows – at least officially – what neighborhood or community is being subjected to police violence, corruption, and misconduct. What is clear, however, is that these are problems that, despite scandal, outrage, and official promises to clean things up, remain stubbornly resistant to change or resolution. Any reasonable and successful approach to ending the killing will require that police misconduct be addressed within a larger context. That context must include a continuum of problems and issues – both within and without the criminal justice system – that contribute to and sustain the acceptability of the use of excessive force by law

enforcement against California's ethnic minorities, and African-Americans, in particular.

The Climate of Hate Persists

"I am painfully aware of the specter of hate that overshadows the promise of our nation."

- Assemblywoman Judy Chu (CHU), Chair, Assembly Select Committee on Hate Crimes

The State of California was in the forefront of the American Civil Rights Movement. The Unruh Civil Rights Act became law in California in 1959 – five full years before the Federal Civil Rights Act of 1964, for which it served as the model. It is not that racism, anti-Semitism, and bigotry ceased to exist in California. Of course not. But, for many years, many Californians, including many African-Americans, thought California was doing a pretty good job of reining in the meaner impulses of the human spirit.

This perception began to change with the appearance of overtly racist, anti-Semitic, and violent groups during the 1980s and 1990s. Organizations such as the San Diego-based White Aryan Resistance (WAR), the National Alliance, and a multitude of so-called "citizen militias" found surprisingly fertile soil for their seeds of hate in the rural, exurban, and suburban landscapes of

the Golden State. Pretty quickly, there was scarcely a community of this sort without gangs of skinheads, virulent anti-government activists, “identity” churches, and others fiercely committed to preserving what they view as the rightful prerogatives of the white race.

Hate crime statutes generally fall into three categories, and California has all three: laws that criminalize certain discriminatory actions, laws that prescribe additional penalties for crimes committed because of bias; and laws that require the reporting of hate crimes, the training of police and educators on hate crimes, public information efforts to combat hate crimes, prohibit discrimination in insurance coverage for certain hate-crime victims, and provide rewards for information on hate crimes and grants of assistance to hate-crime victims. In addition to these statutes, California has also benefited from the work of a Governor’s Advisory Panel on Hate Groups, Lieutenant Governor Bustamante formed his Commission for One California on August 17, 1999, in response to the need for our diverse society to break down barriers and come together as one state, an Attorney General’s Civil Rights Commission on Hate Crimes and the Commission on Peace Officer Standards and Training’s (POST) mandated training in tolerance, diversity, and hate crimes.

Nonetheless, in 2003, the Department of Justice catalogued 1,491 reported hate crimes against 1,815 victims (victims in these instances may be either individuals or institutions). The largest percentage of these reported crimes – 61.3% -- were motivated by race, ethnicity, or national origin. Of that number, a clear majority – 56.7% -- were committed against or directed at African-Americans: The second-largest group of hate crimes involved sexual orientation; with gay males the predominant victims.

The good news is that these numbers represent a marked decline from 2001, when hate crimes peaked following the events of September 11, and a decline as well from hate crime levels in the years 2000 and 2002. Even though there is widespread agreement that hate crimes, like police misconduct, are seriously underreported, some experts believe that this recent decline is a definite trend, brought about by stronger laws, sustained efforts by educators and public officials to deliver strong messages praising tolerance and diversity, and by the strong responses of local leaders, clergy, opinion makers and media when hate crimes have occurred within their jurisdictions.

Hopefully, these experts are right. Nonetheless, there are reasons for concern in these data as well: For example, schools have now become the third most prevalent location for hate crimes, behind residences and streets and roadways. Increasingly, hate groups are targeting the schools as prime recruiting grounds, and the evidence clearly suggests they are meeting with some success. In addition, hate crimes are becoming more frequent in communities struggling to adjust to demographic changes, such as the Santa Clarita Valley and Elk Grove.

Not surprisingly, hate crimes – most of them directed against African-Americans – began to increase. Some of the more egregious found their way into the media:

- African Americans that choose to move into newly developing suburban communities are experiencing an increase in hate crimes against them and their children. In San Clarita Valley a group of African American parents organized to protect their children. Two students were expelled and five others suspended for racial activities.
- In Westwood a new community in East Contra County racial epitaphs appeared on home lawns and students were harassed.
- In Lake Elsinore a gentleman was moving out of his home to another location. While he was moving someone entered the home and wrote racial slurs on the walls
- Northern California: On June 19, 1999, James Williams and Benjamin Williams, brothers who lived near Redding, fire-bombed three Sacramento area synagogues. On July 1, they killed a

gay couple (Gary Matson and Winfield Mowder) near their hometown, and, on July 2, they set fire to an abortion clinic in Sacramento. Both held fervid white-supremacist, anti-Semitic, anti-government and anti-abortion views. Their crimes appear to have stemmed, at least in part, from a desire to impress the leaders of a white supremacist, “identity” church to which they belonged.

- Los Angeles: On August 10, 1999, Buford Furrow, a member of the Aryan Nations, a white power, anti-Semitic, Anti-government group headquartered in Idaho, shot five people (three of them children) at a Jewish community center in Grenada Hills. By his own admission, he then went looking for someone non-white to shoot. He shot and killed Joseph Ileto, a Filipino-American postal worker.
- Davis, 2000: In October, a group of white males from a University of California, Davis, fraternity argued and hurled racial slurs at members of an Asian-American sorority who were creating a message with rocks on a Yolo Causeway levee, a traditional student activity. The women left, fearing for their safety. Later that month, a confrontation took place in the parking lot of an apartment building between five Korean-American students from the Sigma Kappa Rho fraternity and a group of white males, most of whom were affiliated with the Kappa Sigma fraternity. Later, after the confrontation had ended, and the Korean students had returned to their apartment, 15 white males broke in and assaulted the Korean-Americans, while calling them “chinks,” ransacked the apartment, and took off with over \$400 in property and cash. December brought another confrontation between Asian-American and white fraternity members, all of whom were arranging rocks on the levee. Things came to a head with the suspicious death of Andrew Wieman, a member of Kappa Sigma. Although his death was determined to be a suicide, racial tensions escalated, and University faculty and administrators had to act quickly to calm things down.

- State of California, 2001: In the weeks following the attacks on the World Trade Center and the Pentagon, the number of hate crimes directed at Arabs and other Middle Eastern populations skyrocketed. The California Department of Justice reported 428 crimes against these groups, a nearly 350 percent increase over the previous year, along with 79 anti-Islamic hate crimes, which represented an increase of over 2000% from the year 2000. Sikhs, Southeast Asians, and Hispanics, who were mistaken for members of the targeted groups, were caught in the crossfire of this hate-crime spree. In one notable incident, the Sikh owner of a convenience store in the San Francisco Bay Area was shot and killed by a man who thought he was an Arab, because he was wearing a turban.
- San Diego, 2002: On September 24, James Grlicky and Waylon Kennell, both 18, were looking for a “beaner” to attack, when they found Luis Cisneros hiding under a wagon near the Live Oak Springs resort in Boulevard, California, an area known to be frequented by illegal immigrants. The teens, both of whom were on parole for burglary, repeatedly kicked Cisneros, who suffered a fractured skull, a shattered nose bone, and a brain laceration. According to friends, the pair were fascinated by “American History X”, a movie about white supremacists. A search of one of their homes turned up drawings of racist symbols, a bag with “White Power” stenciled on it, and a map of the world with the phrase “nigger land” written across Africa.
- Elk Grove, California: Two 16-year-old boys at Laguna Creek High School planned a racially motivated Columbine-style massacre of their African-American classmates. Equipped with a map of the school cafeteria and markings of the area where black students sat, they planned to set off bombs and then gun down students as they ran from the explosions. They even cased a local sporting goods store that they planned to rob for weapons, which they would then smuggle into school in guitar cases. They were arrested before they could carry out the

plot, when one of their friends went to the police.

- Santa Clarity Valley, 2005: Santa Clarita, a master-planned community 35 miles north of downtown Los Angeles includes the communities of Valencia, Saugus, Canyon Country, and Newhall. The area is one to which families have long migrated to escape the noise, crime, and decay of the city. They come because of the clean, safe parks, the good schools, and in search of a better place to raise their children. In recent months, at least six African-American families have claimed that their children are being bullied, harassed, robbed and assaulted by their white peers. Such incidents have occurred on school grounds, in parks, at bus stops, on streets and sidewalks, and while their children were visiting friends. There appears to be no reason for these acts, which are on-going, except intolerance and racism.

Ironically, California has long been the acknowledged leader among the states when it comes to reporting and combating hate crimes since at least 1978, when voters enacted the nation's first law to define and counter discrimination-based violence. What distinguishes a hate crime is that the perpetrator commits the crime, at least in part, because of a protected characteristic of the victim, such as disability, gender, nationality, race or ethnicity, religion, or sexual orientation. The requirement of a specific intent is in addition to, rather than instead of, the commission of a criminal act. Hate crime laws do not and cannot criminalize hate per se or hateful thoughts or words; it is the act of discrimination that they prohibit. Moreover,

since every person possesses the protected characteristics enumerated above, hate crime laws do not, as some have suggested, create special protections which are afforded only to special groups within the population. These laws protect everyone.

Elk Grove, a newly-incorporated area that sits in the shadow of the State Capitol, is the fastest growing city in California, and perhaps in the nation. Because nearly 60 percent of its population is comprised of children and youth, it is also home to the state's fastest-growing school district. Racial tension and conflict have been an on-going problem at Elk Grove High School, and neighboring Laguna High School was the target of the racially-motivated Columbine-style attack detailed above.

While very few individuals actually become involved with hate groups, and fewer still actually commit hate crimes, an increase in activity on the fringes of community life is a pretty reliable indicator of what's going on in the mainstream as well. Parents in Santa Clarita, Elk Grove, and similar communities, whose children have been subjected to racially – and ethnically – motivated insults, bullying, and even

violence, frequently complain that school administrators and law enforcement refuse to take these problems seriously and fail to report them or take appropriate action to stop them. The punishment meted out to the two Laguna High School boys who plotted the murder of their black classmates is an excellent case in point. After pleading guilty, they were sentenced to serve no more than one year at the Sacramento Boys' Ranch, a juvenile detention facility operated by the Sacramento County Probation Department. The judge, citing their lack of criminal histories, found that incarcerating them in a California Youth Authority facility would "do more harm than good." It is difficult to believe that, had the conspirators been African-American, Latino, or Hmong, such extraordinary leniency would have been shown. For many in Elk Grove's ethnic groups, and especially for African-Americans, the resolution of this case was a travesty.

It is important to acknowledge that the very communities in which racial tensions and hate crimes are escalating are precisely the sort of places where a great many police officers reside. Two Sacramento sheriff's deputies hold seats on the Elk Grove City Council. Simi Valley, where jurors acquitted the officers charged in the Rodney King beating, is home to many

active and retired law enforcement personnel. Their friends and neighbors on the jury had little difficulty justifying their violent conduct. It is both unreasonable and naïve to believe that police officers go uninfluenced by the prejudice and bigotry in the communities in which they live. Indeed, they may even add to these currents with reports and anecdotes of the inner-city neighborhoods where they work and the criminals they deal with.

Unfortunately, the growing problem of white animosity toward communities and individuals of color is likely to worsen before it improves. California is the nation's largest majority/minority state. No single ethnic or racial group any longer accounts for a majority of the State's population. Today, non-Hispanic whites remain the largest group in the population, but that status is rapidly eroding. The most recent demographic data predict that by the end of this decade – a mere five years from now – Hispanics will become the largest group, and, by the year 2030, will comprise a clear majority of the California population.

In this, as in so many other things, California will serve as the bellwether for the rest of the country. Sometime in the middle decades of the century, what is

true of California today will become reality for the United States as a whole. Given this nation's history of racial and ethnic conflict, of violence against immigrants from other cultures, and of an unbroken white, English-speaking dominance of all its major institutions, there is ample reason to believe that the coming demographic revolution will be anything but smooth.

Here in California, we must redouble our efforts to get it right and to create a model of successful diversity which the rest of the country can build upon.

See Black, Think Criminal

“We need to think about police violence in a more expansive way. Racial profiling itself is an act of police violence, and we need to articulate it as such... Incidents that typically involve ‘driving while black’ or ‘walking while black’ sometimes end up as an incident of ‘being shot while black.’”

- Professor Devon Carbado,
UCLA Law School

The public is increasingly inclined to See Black, and Think Criminal, and that mindset is even more prevalent among many law enforcement agencies. Nor is this a phenomenon unique to California. It is a national problem, and the most voluminous and persuasive evidence comes from the widespread

practice of racial profiling. African-American (and Hispanic) motorists are subjected to more traffic stops than other drivers, more random searches, and far greater levels of harassment. It does not seem to matter whether black motorists are rich or poor, law-abiding or criminally-inclined, successful professionals or chronically unemployed. Legions of African-American doctors, lawyers, teachers and business executives have been subjected to traffic stops and questioned about where they got the cars they were driving. The nicer the car, the more likely they are to be pulled over.

Racial profiling is part and parcel of the tainted legacy of this nation's costly and hugely unsuccessful war on drugs. In 1985, the Drug Enforcement Administration launched a highway drug interdiction program called Operation Pipeline. The program provides federal funds to state highway patrol agencies for training officers to use minor traffic violations as a pretext to stop motorists and search their cars for drugs. At the heart of the rationale for "pretext stops," lies the assumption that Black and Hispanic motorists are more likely to be transporting drugs or others contraband than white motorists are. No large scale study has ever validated that assumption. Indeed, most

studies suggest that white motorists are more likely than Black or Hispanic motorists to be transporting drugs.

Nonetheless, this assumption – or more accurately, this myth – has enjoyed a long shelf life. It continues in the minds of the 30,000 plus officers in 48 states (including California) who received the Operation Pipeline training. And it persists among local police agencies, a great many of which have embraced the DEA’s philosophy, adapting it to suit their own needs and purposes.

Dr. Devon Carbado testified at length about the relationship of racial profiling to other forms of police violence. His arguments merit a detailed discussion. First, he presented three hypothetical situations:

Situation 1: Walking While Black. An officer patrolling a white neighborhood observes three black men peering into a store window. It’s the middle of the day, and the officer has no reason to believe the men have engaged in any criminal wrong-doing.

Nevertheless, he proceeds to “investigate.” He asks each man for identification. After checking their drivers licenses, he asks “Where are you going? What are you doing?”

The men respond, “We’re window shopping.” The officer next requests permission to search their bags. The men are reluctant. “We are students. We’ve done nothing wrong. There are only books in our bags.” The officer persists, “Then you don’t have

anything to worry about, do you?" The men "consent" to the search, which yields nothing. The officer tells the men they are free to go. This encounter is witnessed by several people. Significantly, nothing illegal has occurred here; no rights have been violated.

Situation 2: Driving While Black. A police officer observes a car with two black men and decides to pull them over. As he approaches the vehicle, the driver asks, "Is there a problem? Did I do anything wrong?" The officer responds that the driver changed lanes without using his turn signal. The driver replies, "I didn't realize that, officer, I won't do it again." The officer then asks the driver for his license, vehicle registration and proof of insurance and asks the passenger for his license as well. He then returns to his patrol car to perform a background check which fails to reveal a criminal record for either man. He returns to the vehicle and asks the men to step outside the car, which they begrudgingly do. He then asks for permission to search the vehicle. "What for?" the driver asks. "Don't be smart," the officer responds, "I'm just trying to do my job. All I want is to perform a quick search. Is that okay? The driver consents. The search yields nothing. Once again, several people witnessed this event, and, once again, nothing illegal occurred; no rights were violated.

Situation 3: Entering the Home While Black. Police officers get a call reporting that a black man is committing a burglary in a residential neighborhood. They show up and observe a black man at the door of a residence. They order him to put his hands in the air. He starts to comply, then says, "I live here." And at the same time reaches into his pocket. The officers open fire, killing him instantly. As it turns out, the man did live there. He was reaching for his wallet and identification. The officers thought he was reaching for a gun.

From these examples, Professor Carbado draws three conclusions. First, police officers don't simply reflect racial stereotypes; they reinforce them. When the public repeatedly witnesses African-Americans being stopped and questioned, they are increasingly likely to See Black and Think Criminal. Although discussions of police abuse almost always center upon scenarios such as the one in Situation 3, the other situations also constitute forms of police violence, and one situation can easily morph or escalate into more violent physical abuse. Finally, he concludes that the source of all forms of police misconduct is less attributable to a few rogue officers than to the culture of the departments and agencies which employ them, and that is the departments that must ultimately be held accountable.

Images and Stereotypes

“The images we produce here go around the world. When Ennis Cosby was killed, Bill Cosby’s wife Camille said the killer learned how to hate black people in Russia, in Eastern Europe, based on media examples...If we cannot control our own images because we can’t say we want this kind of story versus that kind of story – or at least a balance – we are in trouble.”

- Bill Overton, Author

“The Media: Shaping the Image of a People”

A number of factors feed and sustain the See Black, Think Criminal mentality. First among them are racial stereotypes powerfully promoted by the entertainment industry and reinforced by the news media. Police officers, like everyone else, are heavily influenced by these images and stereotypes. The entertainment industry, which generally places dollars above content, has increasingly opted for investing in hip hop stars in both music and film. Many of these individuals endlessly promote the image and lifestyle of what the Reverend Jesse Jackson has called the “Bad Black Brother.” As a consequence, gang culture masquerades as Black culture in the mass media, both here at home and abroad. “Gangsta Rap,” with its rage, crudity, violence, and celebration of crime, has become a dominant image of Black America in the minds of many. It is an image embraced by a significant number of modern black athletes and entertainers. Young African-Americans, often to their parents’ dismay, idealize this image and seek to emulate the lifestyle as part of their rebellious passage through adolescence. White youth, many of whom are ardent fans of violent rap, also to their parents’ dismay, learn early to See Black and Think Criminal.

The news media, with its eagerness to report on gang violence and black-on-white crime, reinforces the stereotypes and ratchets up the fear. The same news divisions and cable networks that report breathlessly (and endlessly) on the murder of Jon Benet Ramsey, the kidnapping of Elizabeth Smart, and the saga of a young Boy Scout lost in the mountains of Utah, cannot be bothered to report similar crimes against and disappearances of African-American children, unless the crimes reinforce the image of a depraved black culture or implicate famous African-American entertainers or athletes.

Add in racial profiling, the high incarceration rates of young black males, and the criminalization of African-Americans becomes for many an established, unquestioned reality. The result is fear, discrimination, and indifference to the fate of African-Americans who fall victim to crime or police violence. The widespread public outrage over the beating of Rodney King has all but disappeared, even in similar circumstances, as the brief and tepid reaction to the violent treatment of Donovan Jackson clearly demonstrates. The public, including juries, appears to have become increasingly willing to accept police misconduct as the necessary

price of security, even when there is abundant evidence that the misconduct is criminal, as was the case in the two trials of the Oakland Riders.

The dangers inherent in such attitudes were forcefully articulated in an L.A. Times Editorial published during the height of the Ramparts scandal:

“[T]he community must not lose sight of what is at stake in police misconduct cases. Police officers are agents of the state who are given extraordinary powers in order to preserve law and order. The Constitution gives due process to everyone accused of a crime, not just those with good jobs and clean records. And the fact is, this alleged police misconduct was committed against people who for the most part were suspected or known gang members. These are not people who generate sympathy or admiration...Not model Angelenos, to be sure. Some L.A. residents have shrugged, saying, in effect, who cares if a few officers play a little fast and loose with the truth and plant some evidence on thugs? The officers get some really bad guys off the streets. More power to them.

“The danger with this kind of thinking is that it’s where the erosion of civil rights begins. One day, the victim of unconstitutional actions may be a criminal; the next day, it could be a law-abiding person who someone decides just looks like a criminal. Those who were convicted based on false or manufactured evidence were wronged, and the Bill of Rights was designed to protect them, too, as it must if the rule of law is to mean anything...The investigation is vitally important – to everyone who treasures the fairness and freedom the law engenders.”

Such principled, high-sounding, and fundamentally abstract arguments are in a losing battle against the power and immediacy of stereotypes and images that stream incessantly from the entertainment industry, the news media, talk radio, and the criminal justice system. Of course, images and stereotypes can only work, can only exert power if they are at least somewhat based upon truth.

And the truth is that many of the images and stereotypes surrounding urban black life are at least somewhat rooted in reality. Many of these communities are indeed plagued with grinding poverty, high crime rates, and a pervasive sense of despair and hopelessness. Many of these neighborhoods are indeed dangerous places, especially after nightfall. Many of the children in these areas are neglected, abused, and lacking the comfort, guidance, and support of responsible and caring parents. Some will follow their parents into lives of crime or into the same patterns of neglect and abuse inflicted upon them.

But that is hardly the whole story. In every one of these communities, there are families struggling to guide their children to a better life. There are churches,

community-based organizations, and non-profit groups which devote enormous time and energy to caring for the elderly, helping out the needy, improving parenting, recruiting mentors for youth, providing tutoring and recreational activities as alternatives to gangs and the street. Every day, they make a difference by defying the images and stereotypes of their community. How much greater a difference they might make if just a small fraction of the resources consumed by law enforcement and the larger society were directed their way beggars the imagination.

When police officers leave their suburban homes and report for work in South Central Los Angeles, West Oakland, San Francisco's Bay View, Riverside's Rubidoux, or Sacramento's Oak Park, they carry with them the media stereotypes, the fears these stereotypes are designed to feed, and the undercurrents of racial animosity that too often characterize their own communities. And yet, they actively seek out such assignments – not because they see a community in need of protection or because they want to strengthen the forces within the community that offer help and hope – but because, in the words of LAPD Sergeant Ronnie Cato, they want to do “real police work.” Real police work, more often than not,

means aggressive policing of the sort that has repeatedly resulted in police violence, brutality, and scandal.

The stereotypes, the fears, the belief that they are part of the real War on Crime suffuse an array of police misconduct from racial profiling to the shooting of unarmed teenagers. The law enforcement establishment has its own continuum of problems that must be addressed together if the growing madness of violence and killing is to be stopped.

Policing the Police

“The goal must be not only to protect and serve the community, but to respect and serve it as well...Community policing really means working with the community, letting the community help set the policies for the police department, letting the community feel like a full partner in policing their neighborhoods.”

- Los Angeles Mayor James Hahn

The question is as old as civilization itself: Who will watch the watchmen? In an effort to answer that question, Human Rights Watch, in 1998, published a comprehensive study of police misconduct in 14 large American cities, including Los Angeles and San Francisco. That study, “Shielded from Justice,”

concluded:

“The excessive use of force by police officers...persists because overwhelming barriers to accountability make it possible for officers who commit human rights violations to escape due punishment and often to repeat their offenses. Police and public officials greet each new report of brutality with denials or explain that the act was an aberration, while the administrative and criminal systems that should deter these abuses by holding officers accountable, instead virtually guarantee them impunity.”

The study also found that the barriers to accountability are remarkably similar in all 14 cities:

- Shortcomings in recruitment, training, and management.
- The small number of officers who repeatedly engage in misconduct and taint entire police departments are protected by the silence of their fellow officers and by flawed systems of reporting, oversight, and accountability.
- Meaningful information about trends in abuse are scarce as are data on police departments' response to incidents of misconduct and their plans and actions to prevent such incidents in the future.
- Where data do exist, there is no evidence that police administrators or prosecutors use the information to deter abuse.
- Commission after commission and study after study has led to the recognition in most cities about

what needs to be done to fix troubled departments. However, this encouraging development is thwarted by ferocious resistance from law enforcement, political resistance in local communities and an official reluctance or unwillingness to deal seriously with officers who commit abuses, until high-profile cases expose long-standing negligence or tolerance of brutality. Even then, once the scandal subsides, many departments are content to return to business as usual.

Virtually all the incidents, bad practices, misguided policies and scandals chronicled thus far in this report were aided and abetted by the obstacles to accountability identified in the Human Rights Watch Study:

- Recruitment: Failure to screen carefully the background of a new recruit by the San Francisco Police Department may have cost Aaron Williams his life. One of the officers involved in the incident (the one witnesses said had repeatedly kicked Mr. Williams in the head), Marc Andaya, had been the subject of 35 complaints while working with the Oakland police department prior to being hired by the SFPD. His Oakland Supervisor had even urged desk duty for Andaya because of his “cowboy” ways. The S.F. Police Commission deadlocked on charges of neglect of duty and using excessive force against Andaya (in effect, exonerating him). But, because of community outrage over the Williams case, Andaya was eventually fired for lying about his disciplinary background on his job application.

Strengthening recruitment standards and procedures is vitally important right now, because law enforcement agencies throughout California and the

rest of the nation are having tremendous difficulty filling existing vacancies. It does not help that California's outreach law, which might have allowed targeted recruitment efforts aimed at California's growing ethnic populations, was recently struck down by the courts. In this climate, the temptation to allow borderline applicants through the system will be strong.

Nonetheless, some positive steps have been taken to improve recruiting procedures. Until recently the psychologists and psychiatrists who perform fitness for duty and pre-employment screening for peace officers often lacked the specialized training needed to perform these tasks. Assemblywoman Judy Chu successfully sought legislation that now mandates such training. However, performing these evaluations is hardly an exact science, even with the best training. In addition, no one evaluates the manner in which police work affects people over time, and regular, periodic psychological evaluations are not performed. The Commission on Peace Officer Standards and Training (POST) mandates monthly testing for weapon proficiency, but not for psychological fitness.

- Training: Current POST standards in California are generally regarded as among the best in the nation. POST has mandated hate crime training since 1994, offers a certified course in

Diversity and Tolerance and another on anti-reproductive rights crime. However, because hate crime training has been required only since 1994, many senior police supervisors and administrators may have received no training at all in this area. The same holds true for many dispatchers and other non-sworn police department personnel. The same goes for correctional officers, many of whom deal daily with race-based prison gangs, racial tensions, and hate crimes, including racially-motivated murders. Even after POST's commendable efforts, 57 percent of police officers in California as of 2001 had not taken the basic hate crime course, and there appears to be no hard data available on how many of them have received other training in this area. There is no program for the evaluation of how effective POST's hate-crime training is, what information officers learn or retain or how the training affects their job performance.

On still another front, at a time when the state's mentally ill are on the streets or in jail, peace officers in California are ill-equipped to deal with the disturbed individuals they routinely encounter. The officers who shot and killed Margaret Mitchell and Idris Stelley might well have benefited from training in how to handle the mentally ill.

Finally, there is a clear need for greater training in what Mayor James Hahn calls "verbal judo," the aggressive talk and engagement in defusing situations before they become violent.

- Management: Police management is by nature predisposed to earning the respect of and

protecting the rank and file. They are also rarely held responsible for the failures and mistakes of their subordinates. They are often resistant to change, resentful of criticism, and convinced by and large that the police should be evaluated and overseen by the police, because nobody else knows or understands what they do or the challenges they face. Unfortunately, this mentality can create a climate in which no one is accountable to the public, misdeeds go unreported and unprotected, and bad actors go undisciplined.

The foregoing is a fair description of the state of the Riverside Police Department at the time Tyisha Miller was killed by four of its officers. What happened in Riverside after that slaying is an object lesson in what a difference sound management can make.

Very simply, Riverside invited the State Attorney General and the Department of Justice to help them straighten things out. The result was a consent decree that consisted primarily of the Department's goals (as determined by the Department) and a checklist of steps to achieve them. Today, the Riverside Police Department is a changed institution:

- There used to be a “joke of the day” at Roll Call and the jokes were frequently demeaning or offensive to one group or another. Today, there's a video camera running during Roll Call, and the Chief and others in the Department can monitor what's going on.
- Today, watch commanders (rather than those with less experience) supervise the

lieutenants, and the officer to sergeant ratio is among the best in the state.

- The Department has worked on better screening of new hires.
- Supplemental and enhanced training for officers is now available and diversity training is required.
- Today, after an incident and complaints, officers are debriefed and discuss in a group setting what went wrong, what the best practices would be, and whether procedures should be changed.
- Where there was once a practice to allow as many as six complaints to accumulate before supervisors intervened and investigated, today there's an early warning system that results in speedier inquiries.
- The Department has also purchased and trained its officers in the use of non-lethal weapons, such as bean-bag shotguns. Non-lethal force can often accomplish the desired objective.

Local political resistance to such sweeping changes is common, and in this, the Riverside City Council proved no exception. They didn't want to approve the agreement. Most such bodies would resist as well, because it requires a ceding of authority, because they believe criticism of their police departments reflects poorly on themselves, because

they know and respect police administrators, and because public employee unions, including police unions, are such powerful players in local politics and elections in California.

The consent decree, as an enforceable document, essentially gave the Attorney General the option of proceeding to court to get the decree approved over the Council's objections. The City Council relented. This particular consent decree format, with its articulated goals and checklist has been easier for all parties to understand and work with than similar federal consent decrees, which typically cover a vast range of minutiae and can reach the proportions of telephone directories.

Finally, unlike almost every other police department in California, Riverside is having no trouble hiring new officers. Word has gotten out that this is a department that's doing smart things, and a lot of people now want to work there. The Riverside PD has more applicants than available positions.

- Getting Rid of the Bad Apples: There is some comfort to be gained from the belief that police misconduct is almost always committed by a small number of rogue officers. Unfortunately, it is often false comfort, because getting rid of the few bad apples is difficult. They are protected

by the code of silence, protected by administrators (including Internal Affairs Divisions), and often praised and rewarded for their efforts. The problem, as Dr. Carbado contends, is not the rogue officers, but the police culture that protects them.

For example, the Christopher Commission identified 44 problem officers in the LAPD, each with a history of misconduct, citizen complaints, and civil judgments against the City of Los Angeles. Years later, some of the 44 were still on the job. One was dismissed following yet another violent use of force. Another was the representative of the Police Protective League. It is frequently difficult to obtain an accurate assessment of officers' records. According to the Human Rights Watch study, some jurisdictions handle incidents that generate complaints through "miscellaneous memos" that are not kept in the records of the officers involved. In many departments, officer records contain no information about civil damages paid as a consequence of misconduct.

In some states which have adopted a Police Bill of Rights, such legislation allows incidents of misconduct and citizen complaints to be periodically purged from officer records. Although California has a Police Bill of Rights, it does not allow for such deletions. Nor is it likely to be amended to do so. On June 2,

2005, the California Supreme Court, ruling in a Los Angeles case, made it easier for criminal defendants to obtain evidence of past misconduct by police to try to prove that officers lied or rigged the evidence. The ruling requires judges, after in-chambers review, to give defense attorneys information that could help support their contentions of officer malfeasance, including the names and addresses of past complainants and the officers' discipline records. The court further ruled that, to obtain an in-chambers review, a defendant "need only demonstrate that the scenario of alleged officer misconduct could or might have occurred." The LAPD has been working on a tracking system for misconduct, complaints, and discipline of its officers. According to Mayor James Hahn, the tracking system should be in operation shortly.

- Information and Data About the Police: The difficulty in obtaining reliable information, knowing what information is available, and the uses to which it is put lies in the fact that the information is usually under the exclusive control of the police. They collect the information, determine how much of it is to be made available to those outside the department, use the information to create databases (or not), use it for other purposes, use it not at all, or impede its creation entirely.

Consider, for example, what happens when a citizen wants to file a complaint. Unless the individual

is fairly sophisticated, the only place to do that is with the police department, and many departments actively discourage the filing of citizens' complaints against their officers. For many minorities such active discouragement works well, because many believe the police will retaliate if they complain. There are reasons to suspect that they are correct in that regard. For example, on the evening of the Rodney King beating, Mr. King's brother and the bystander who videotaped the incident attempted to file a complaint with the LAPD. The officer to whom they spoke essentially refused to take their complaint. The entire matter could well have ended right there, had the bystander not given the tape to a local television station. After he did, the police investigated him. A similar scenario unfolded in the Donovan Jackson case. The police investigated the tourist who shot the video and discovered some three-year-old warrants and arrested him. He was subsequently charged, convicted, and sentenced to a stay in jail. It is hard to imagine that these investigations served any purpose other than intimidation and retaliation.

According to the Human Rights Watch study, police in other states have been even more aggressive in going after people who file complaints against them.

They have actually filed civil suits against complainants, with the assistance of their unions. This practice, clearly aimed at retaliating against those who filed complaints and intimidating those who might contemplate doing so, appears to be diminishing.

Those seeking to study police violence don't fare much better. Their requests for information may be ignored, denied, or complied with in a partial or misleading fashion. Then, when their conclusions are made public, their efforts are held up as proof that they know nothing about police work. The Human Rights Watch study cites two examples:

“In researching its 1996 report on New York City's Police Department, Amnesty International was denied statistics and case information it requested from the police department. Once the report was published, officials criticized it for not providing a complete picture of police abuse in the city, largely for the lack of information withheld by the department itself.”

“The American Civil Liberties Union of Southern California has published several reports on Los Angeles-area police departments, and its reports have been criticized by officials as incomplete. For example, after the group published a report critical of the LAPD's high speed chase policies, one commander dismissed it as a 'very hastily done report' and added, 'They did not have all the facts.’”

Many police departments operate as closed shops. They discourage complaints, then investigate complaints so slowly that the statutes of limitations expire before the investigation is complete. They go to great lengths to avoid recommending that criminal charges be filed against an officer, and withhold information about police misconduct, practices, and policies from the public and those who seek to study or report on them.

This is a situation that cries out for some form of external review. Police departments vehemently deny the need for such a mechanism, and if some form of external review is actually put in place, either try to sabotage it or refuse to cooperate. Many civilian review boards, which communities have fought to have created, quickly find themselves under funded, understaffed, and capable of handling only a small fraction of the cases that come to them.

Institutional mechanisms for external review may fare no better. For instance, the LAPD fought for years against a plan to create an independent Inspector General, to gather data and assess cases of police misconduct. When the position was finally created over their objections, they refused to cooperate and withheld

information of various sorts. The first Inspector General resigned in the face of such intransigence, saying the LAPD was making it impossible for her to do her job. Her successor has made similar complaints, but the Department refuses to budge.

It may be difficult, and it may be frustrating, but some workable approach for an external review of police conduct, practices, and policies must be found. Policing the police is too important a role to be left exclusively to the police.

Recommendations

- Policing the Police
 - Police Misconduct/Citizen Complaints: Work with the Attorney General and POST to fashion legislation to establish a uniform, statewide tracking system to monitor citizen complaints against individual police officers. Such legislation will include requirements that, when the number of complaints reaches a certain threshold, local supervisors must intervene and evaluate both the legitimacy of the complaints and the officer's need for additional training or fitness for duty. The legislation will also provide for an array of mandatory disciplinary measures, including but not limited to suspension, reassignment, or termination, should the number of legitimate complaints increase.
 - Racial Profiling: Seek legislation to require all police agencies in California to collect the following categories of data on all traffic stops: race/ethnicity of motorist; reason for the

stop; whether a search was conducted; whether evidence of illegal activity was found; whether a citation was issued or an arrest made.

- Recruitment and Screening: Call upon police agencies, which are having difficulty hiring people to fill existing vacancies, to uphold strict recruiting and fitness standards. Work with them to find the means to conduct targeted outreach in communities of color, including, if necessary, seeking an amendment to the California Constitution.
- Mandatory, monthly psychological evaluations of peace officers along the same lines as weapon proficiency testing.
- Training: Support and lobby for training of police officers for encounters with the mentally ill. Examine the possibility of persuading local jurisdictions with large populations of the mentally ill to consider applying for the new mental health funds made available by Proposition 63 to establish programs to send trained mental health professionals out with police officers when they respond to calls involving psychiatric disturbances.
- Support enhanced officer training in the type of verbal skills that can defuse a potentially violent situation.
- Classify racial slurs used by law enforcement during official duty and as a hate crime and punish accordingly.
- Ban the use of Taser guns and ask local law enforcement agencies to invest in non-

lethal weapons and to train officers in their use.

- Work to create, within the Office of the Attorney General, an agency empowered to conduct external reviews of problem and troubled police agencies in California. Charge the agency with monitoring reports of police misconduct, and offering assistance to local agencies in developing the type of goals and checklist of steps contained in the consent decree for the City of Riverside, but also grant them the power to step in when civil rights violations become commonplace, a power parallel to that enjoyed by the U.S. Department of Justice.
 - Immediately pursue the codification of the California Supreme Court’s ruling in *Warrick v. Superior Court (City of Los Angeles Police Department)*, which grants to criminal defendants alleging police misconduct the right to a review of police officers’ personnel files. Mandate that each law enforcement agency in the State place within each officer’s personnel files all citizen complaints, records of discipline, and detailed summaries of civil judgments that resulted in whole or in part from the officer’s conduct. Require large police departments to develop tracking systems for officers similar to the one about to be initiated in the LAPD, to ensure necessary data are available.
- Hate Crimes, Diversity, and Tolerance
 - Continue to press for the adoption of AB 723 by Assemblywoman, Judy Chu, which provides for the development of a model curriculum for teaching tolerance in grades K-12. This measure is sponsored by the California NAACP.

- Advocate for the restoration of the toll-free phone line for reporting hate violence, located within the California Department of Fair Employment and Housing and for funds to publicize this resource in communities throughout California.

- Advocate for the restoration of funding for hate crime and hate violence reporting as part of the California State Safe School Assessment crime-reporting form. With hate groups increasingly targeting the schools, and schools ranking as the third most prevalent location for hate crimes, this information is vital. It may also prove useful in assessing the effectiveness of the model tolerance curriculum called for in AB 723.

- Lobby the Commission for Peace Officer Standards and Training (POST) to develop plans to determine how many California police officers have received some form of hate crime training; to provide training to those who have not done so; to develop an evaluation program to determine the effectiveness of existing training in hate crimes, diversity, and tolerance; and to consider establishing hate crime training for correctional officers in California prisons.

- Support AB 723 by Assemblymember Judy Chu, which requires the Attorney General to keep a repository of raw data for hate crime reports received from local law enforcement agencies.

- Stereotypes, Images, and the Criminalization of African-Americans:
 - Come together with African-Americans in the entertainment industry and news media to develop strategies for pressuring these purveyors of images and stereotypes to treat African-Americans in a more positive and balanced measure than they presently do.

- Continue to support organizations which serve and work on behalf of inner-city communities and neighborhoods.
- Form alliances with other civil rights organizations, black police officers' associations, and members of the African-American Bar to publicize racial profiling practices and to lobby local officials, especially elected officials, to require data collection on police stops involving black motorists.
- Political Action:
 - Begin reaching out to all minority communities that have been the targets of police misconduct and violence, starting in Los Angeles, where an unprecedented electoral coalition of such groups recently elected a new Mayor. Approach Mayor-elect Villaraigosa about taking a leadership role in this effort.

NOTES

p. 4 ...and fails to protect the members of their community...Tory Reese, African-American Summit on Violence Prevention Board Member, addressed this issue: "We have been conducting door-to-door surveys in the community. People are telling us about the rapes that are not being reported...about the in-home invasions that are constant...about the lack of response from the LAPD to such incidents...about how gang members come and tell elders 'you can't

form Neighborhood Watch Groups...we won't let you do it...we're going to scare you to death, and you're not going to have meetings on behalf of safety in this community.' This is what people are telling us.”

- p. 4 ...shared by California's growing Latino and Asian communities...See “Public Opinion Survey of California Ethnic Groups About Criminal Justice Issues,” Bendixen and Associates, 2004. Survey is available online at the following URL: http://www.soros.org/initiatives/justice/articles_publications/publications/pill_2004.
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