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Hearing on Ramona Gardens Investigation

Senate Judiciary Subcommittee on Peace Officer Conduct

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CALIFORNIA LEGISLATURE
SENATE JUDICIARY SUBCOMMITTEE ON
PEACE OFFICER CONDUCT
SENATOR ART TORRES, CHAIR

Hearing on
RAMONA GARDENS INVESTIGATION

September 17, 1991
Los Angeles, California
SENATE JUDICIARY SUBCOMMITTEE ON PEACE OFFICER CONDUCT

STATE OF CALIFORNIA

HEARING: RAMONA GARDENS INVESTIGATION

RAMONA GARDENS GYMNASIUM
2830 LANCASTER AVENUE
LOS ANGELES, CALIFORNIA

TUESDAY, SEPTEMBER 17, 1991
9:45 A.M.

Reported by:
Evelyn J. Mizak
Shorthand Reporter
APPEARANCES

MEMBERS PRESENT

SENATOR ART TORRES, Chairman

SENATOR ROBERT PRESLEY

STAFF PRESENT

DIANE GONZALEZ, Administrative Assistant
Senator Torres District Office

ALAN GORDON, Committee Consultant

ALSO PRESENT

HONORABLE RICHARD ALATORRE, Councilman
City Council
City of Los Angeles

ELVA JIMENEZ
Mother of Shooting Victim, Arturo Jimenez

REV. JUAN SANTILLAN, Pastor
St. Lucy's Church

ISABEL AYALA, President
Residents Advisory Council

GUADALUPE VARGAS, Vice President
Residents Advisory Council

ART PULIDO, Co-Chairman
Clever Coalition

TIM ORTIZ, Co-Chairman
Clever Coalition

SAMUEL PAZ, Attorney
Representing Jimenez Family

CHRISTINA VARGAS, Witness
Former Girlfriend of Arturo Jimenez

GEORGE GONZALEZ, Eyewitness
Shooting of Arturo Jimenez

LEO ALVAREZ, Youth Advisor
Ramona Gardens Advisory Council

KENT KEYFAUVER, Officer
Housing Authority
Los Angeles Police Department
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Southern California Rapid Transit Police Department

RAMON MONTIJO, Officer
Housing Authority
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St. Vincent de Paul Church
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MARIA SANTANA
Mother of Victim Freddy Santana
South Central Los Angeles

HELEN HERRERA
Aunt of Shooting Victim David Ortiz
Artesia

ALBERT BELMONTEZ
Father of Shooting Victim Albert F. Belmontez
San Dimas

SOLEDAD BELMONTEZ
Mother of Shooting Victim Albert F. Belmontez
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DR. GLORIA ROMERO, President
Hispanic Advisory Committee to the
Los Angeles Police Department

DR. JAIME REGALADO, Director
Pat Brown Institute

CAROL HEPPE, Director
Police Watch

MANUEL AVILA
United Neighborhoods Organization (UNO)
APPEARANCES (CONTINUED)

DOLORES TRAVEZO
Committee for Justice and a Civilian Police
Review Board

JOHN BROWN, Executive Director
Los Angeles Centers for Alcohol and Drug Abuse

REINA GALINDO, Resident
Ramona Gardens
## INDEX

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Statement by CHAIRMAN TORRES</td>
<td>1</td>
</tr>
<tr>
<td>Testimony of Witnesses:</td>
<td></td>
</tr>
<tr>
<td>HONORABLE RICHARD ALATORRE, Councilman</td>
<td>3</td>
</tr>
<tr>
<td>City Council</td>
<td></td>
</tr>
<tr>
<td>City of Los Angeles</td>
<td></td>
</tr>
<tr>
<td>ELVA JIMENEZ</td>
<td>8</td>
</tr>
<tr>
<td>Mother of Shooting Victim Arturo Jimenez</td>
<td></td>
</tr>
<tr>
<td>REV. JUAN SANTILLAN, Pastor</td>
<td>9</td>
</tr>
<tr>
<td>St. Lucy's Church</td>
<td></td>
</tr>
<tr>
<td>Questions &amp; Answers</td>
<td>10</td>
</tr>
<tr>
<td>ISABEL AYALA, President</td>
<td>15</td>
</tr>
<tr>
<td>Residents Advisory Council</td>
<td></td>
</tr>
<tr>
<td>Ramona Gardens</td>
<td></td>
</tr>
<tr>
<td>Questions &amp; Answers</td>
<td>16</td>
</tr>
<tr>
<td>GUADALUPE VARGAS, Vice President</td>
<td>20</td>
</tr>
<tr>
<td>Residents Advisory Council</td>
<td></td>
</tr>
<tr>
<td>Ramona Gardens</td>
<td></td>
</tr>
<tr>
<td>Questions &amp; Answers</td>
<td>20</td>
</tr>
<tr>
<td>ART PULIDO, Co-Chairman</td>
<td>22</td>
</tr>
<tr>
<td>Clever Coalition</td>
<td></td>
</tr>
<tr>
<td>TIM ORTIZ, Co-Chairman</td>
<td>24</td>
</tr>
<tr>
<td>Clever Coalition</td>
<td></td>
</tr>
<tr>
<td>SAMUEL PAZ</td>
<td>27</td>
</tr>
<tr>
<td>Attorney Representing Jimenez Family</td>
<td></td>
</tr>
<tr>
<td>Questions &amp; Answers</td>
<td>40</td>
</tr>
<tr>
<td>CHRISTINA VARGAS</td>
<td>41</td>
</tr>
<tr>
<td>Former Girlfriend of Arturo Jimenez</td>
<td></td>
</tr>
<tr>
<td>Witness of Shooting</td>
<td></td>
</tr>
<tr>
<td>Questions &amp; Answers</td>
<td>41</td>
</tr>
</tbody>
</table>
INDEX (CONTINUED)

GEORGE GONZALEZ
Witness to Shooting of Arturo Jimenez 43
Questions & Answers 44

LEO ALVAREZ, Youth Advisor
Ramona Gardens Advisory Council 46
Questions & Answers 46

KENT KEYFAUVER, Police Officer
Housing Authority
Los Angeles Police Department 51
Questions & Answers 51

SHARON PAPA, Police Chief
Southern California Rapid Transit Police Department 58
Questions & Answers 59

RAMON MONTIJO, Police Officer
Housing Authority
Los Angeles Police Department 62
Questions & Answers 62

CAROL WATSON, President
Los Angeles Chapter
National Lawyers Guild 65

ANTONIO RODRIGUEZ
Civil Rights Attorney 67

BEN BENVENIDES, State President
Mexican American Political Association 72

VIRGINIA REID
Ramona Gardens Justice for Arturo Jimenez Coalition 74

REV. MICHAEL CROTTY, Pastor
St. Vincent De Paul Church 77

MARIA SANTANA
Mother of Shooting Victim Freddy Santana 79

HELEN HERRERA
Aunt of Shooting Victim David Ortiz 81

ALBERT BELMONTEZ
Father of Shooting Victim Albert F. Belmontez 82
Questions & Answers 83
INDEX (CONTINUED)

SOLEDAD BELMONTEZ
Mother of Shooting Victim Albert F. Belmontez 84

DR. GLORIA ROMERO, President
Hispanic Advisory Committee to the Los Angeles Police Department 85

DR. JAIME REGALADO, Director
Pat Brown Institute 91

CAROL HEPPE, Director
Police Watch 94

MANUEL AVILA
United Neighborhoods Organization (UNO) 97

DOLORES TRAVEZO
Committee for Justice and a Civilian Police Review Board 99

JOHN BROWN, Executive Director
Los Angeles Centers for Alcohol and Drug Abuse 104

REINA GALINDO, Resident
Ramona Gardens 107

Closing Statement by CHAIRMAN TORRES 107

Adjournment of Proceedings 108

Certificate of Reporter 109
P-R-O-C-E-E-D-I-N-G-S
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CHAIRMAN TORRES: We'd like to begin. I'd like to make an initial announcement, if we may. For the purposes of this hearing, this gymnasium is now the Senate of California, and all rules and regulations will come through this Chair and this committee while we are sitting in session here.

We want to say that we are going to have to move as quickly as we can through the various witnesses because we have to return to Sacramento to vote later this afternoon on reapportionment, hopefully.

I would like to welcome everyone here to the initial meeting of the Senate Judiciary Subcommittee on Peace Officer Conduct. We are here to listen to the concerns of the community, specifically about the tragic shooting of Arturo Jimenez, and more generally pertaining to the circumstances and procedures that led two L.A. County Sheriffs out of their jurisdiction and into Ramona Gardens.

This committee is not here to determine the guilt or innocence of the officers involved in that shooting. The Sheriff's Department is reviewing that matter internally. In addition, the District Attorney of Los Angeles County, as well as the Federal Justice Department, is reviewing that incident. And of course, the family has retained counsel to proceed with an appropriate civil action.

Our message here today to law enforcement is clear: law enforcement must work for the community that they serve.
Our message for the community is clear: law enforcement is here to serve us.

It is my hope, as well as the hope of the other committee members, that we may begin these hearings to make clear to various law enforcement agencies that respect for the community, and dignity of each individual, is critical if respect is to be returned. Also, that respect and dignity is owed to each individual, regardless of their race, sex, sexual orientation, age or economic status.

We tried to fashion an agenda today in fairness to solicit meaningful testimony. The committee itself has both Senator Presley and Senator Davis with significant law enforcement experience, as well as Senator Watson and myself, as well as Senator Roberti, the President of the Senate. We've tried to include community leaders, law enforcement representatives, residents of Ramona Gardens, people from the universities, as well as civil rights attorneys, to make sure that we set the stage for this committee.

This is merely the first of many hearings throughout the State of California. When this committee was begun, we had received hundreds of requests for hearings across this state, and we will try to determine just where we can go next, not only in Southern California, but throughout the State of California.

Our task is going to be difficult: to bring peace back to our streets, and to help make law enforcement our protector, not our enemy or an invading army. Our goal is to
help law enforcement provide effective protection for the State of California while respecting the dignity of individuals.

With me to my right is Senator Robert Presley who represents Riverside County. He's also very important in the Senate in that he is the Chairman of the Appropriations Committee. He is Chair of the committee that handles all the money in the Senate and the State of California, and I'm very proud that he's with us here this morning.

We'd like to begin with our testimony and call on Councilman Richard Alatorres, City of Los Angeles.

COUNCILMAN ALATORRES: Thank you very much, Mr. Chairman and Senator Presley.

Let me first begin by commending this committee, Senator Torres and Senator Presley, for holding this hearing and addressing the concerns of Ramona Gardens and other minority communities.

In early August, a young man was tragically killed in Ramona Gardens. Law enforcement officers have been implicated in his death and other similar incidents in Los Angeles and Los Angeles County which have occurred since the death of Arturo Jimenez.

If this kind of incident was one time or a rare occurrence, I don't believe that you would be here today. We all know that law enforcement has a very tough and dangerous job to do, but our communities try to make allowances for their mistakes. But this community, and I as a part of its leadership, are getting tired and angry by the kind of conduct
that this incident represents. The community perceives a long-standing pattern of police violence and misconduct in minority communities that must be addressed.

In addition, the community of Ramona Gardens has been painted by the media as a project of crime and lawlessness. We were told the day after the incident that a riot took place; whereas, the community -- which I have the great distinction of representing -- behaved with great restraint and courage in the face of great injustice.

My office has handled dozens of complaints regarding police misconduct over the years, and many of those complaints have never been resolved satisfactorily to the people that have been affected. In many cases, all that would have been needed was a very simple apology to the person involved, and even that apology never took place.

While there are many things the police do well, the code of silence stops them from policing themselves. It will take something stronger -- the voice of the community and law must be stronger than the code of silence.

There are many things that government can do to make law enforcement more accountable. At the city level, I authored a motion calling for an independent investigation of the Arturo Jimenez case and a Christopher-style of review of the Sheriff's Department.

The City of Los Angeles went through a very painstaking experience when it was agreed that we would go through a self-examination of that department. I believe that
it is healthy for government to look at itself this way and to make needed changes. This problem isn't just a Los Angeles Police Department problem, this problem is not just the Los Angeles County Sheriff problem, but it is the problem of law enforcement statewide and nation wide.

Part of the solution is authoritative direction from the State Legislature. I believe in and recommend a Christopher style Commission investigation and report as a model for the kind of independent review which can be done in other jurisdictions in the State of California. I have no hesitancy recommending that the state and other jurisdictions consider other proposals, the Christopher Commission recommendations, including: adopting of mandates or community-based policing, including the design and implementation of pilot projects and a method of financing these projects; encouraging the establishment of civilian panels, similar to the Los Angeles Police Commission to oversee law enforcement functions.

The Los Angeles City Council has recently recommended: an independent staffing and increased authority for that Commission; state-endorsed and financed pilot projects for videos and other monitoring of law enforcement activities.

Among other recommendations, I believe that the penalties now applied to civilians who deliberately falsify their statement regarding criminal activity should also apply to law enforcement officers who commit those acts. Those officers should think twice about falsifying those reports. The penalties must be severe enough in those cases to make the officer heed
those rules above the code of silence.

The Legislature may be best-suited to implement another recommendation which I made in my City Council motion: to limit the competition among law enforcement entities in each jurisdiction. For example, the Sheriffs, the LAPD, the Housing Authority, and the RTD, all have a role in Ramona Gardens. They should be cooperating and coordinating with each other to provide the best services to the community.

One of the concerns immediately that was raised by many members of this community was the fact that, while on the one hand, the Sheriff's Department was saying that the reason that they had come into Ramona Gardens was that they were in a hot pursuit of an automobile. There are other people that have said that they were only in here to cause -- to look for trouble and, ultimately, trouble they found. And that is truly unfortunate because, clearly, the Ramona Gardens are the proper jurisdiction of the Los Angeles Police Department. It is not in the County; it is the City of Los Angeles. And if in fact the officers that were implicated in the shooting were not here as a result of hot pursuit, but were only here to cause problems, a needless death of a young man was -- took place.

These comments are very hard for me to make. I have friends in law enforcement, and until recently I chaired the City's Public Safety Committee. This community knows that many officers have been friends of the Latino community and have done their jobs with compassion and with competence. But unfortunately, all it takes is just a few members of law
enforcement to ruin whatever efforts have been made to bridge the gap between the Latino community, the Chicano community, and the law enforcement community.

But there have been many incidents to let things continue to go the way that they've been going. I think that it is imperative that not only the state look at what jurisdiction they have. The question of the code of silence, I think, is something that should be looked at. You know, people are -- can be prosecuted when they lie in a police report, and yet, there are many law enforcement officers that allegedly lied to make sure that other officers are not implicated in an incident. That, to me, I think, is an injustice to the Police Department. I think it certainly is a tremendous injustice and a travesty to a community that is interested in being -- in living in a safe environment, and certainly not interested in living in an environment that their kids have to worry about needless harassment just because they happen to wear a certain -- certain clothes, or just because of the color of skin or the language that they speak.

With that, I'll be more than glad to answer any questions.

CHAIRMAN TORRES: Thank you very much, Councilman. [Thereupon the Chairman made an announcement in Spanish regarding the Interpreter, MAURICIO SUAREZ.]

Father Juan Santillan, Isabel Ayala, Art Pulido, Guadalupe Vargas.
Father Juan, do you want at this point to bring Mrs. Jimenez? Is that what you intend to do? Why don't we have her come forward.

Could we have the interpreter translate for the stenographer and for the press.

Did you want to start, Father, or did you want her to speak first? Senora Elva Jimenez.

[Thereupon MS. JIMENEZ gave her testimony through the Interpreter, MAURICIO SUAREZ.]

MS. JIMENEZ: Good afternoon. I'm Elva Jimenez. I am the mother of the young man, Arturo Jimenez, who was killed by the Sheriffs with no reason. He was killed for no reason whatsoever by the Sheriffs who were in a jurisdiction that they did not belong to.

He was at a party and the Sheriffs came in. They said they were following a car, but after they did not find it because they did not come out of here, because at the party was a young man. They arrived with their lights off but making no noise, just to provoke the young man. Someone from the group threw a bottle. The policemen argued with the young man. So then, they beat a young man. My son turned around and asked them, "Why are you beating my friend?" Without saying anything, they shot him three times.

Why three shots? Why couldn't they detain him? Because the policemen are racists. Because they knew beforehand what they were going to do.
I'm just asking for justice, an independent investigation for my son. I've told him all the time because I don't want to see a mother suffer what I'm suffering now for the loss of my son in the hands of a criminal.

That's all.

[Thereupon CHAIRMAN TORRES thanked the witness in Spanish.]

CHAIRMAN TORRES: Father Juan Santillan.

REV. SANTILLAN: My name is Father Juan Santillan. I'm deeply concerned about the incident with Arturo Jimenez precisely because of so many questions that are unanswered, and definitely because we have a constant Sheriff's Department who comes into a community that is not assigned to their area.

Arturo Jimenez was killed, but it not the only incident that this community has had of experiences in confronting the Sheriff's Department. As it has been stated, Ramona Gardens has Housing Police, has LAPD, has RTD Police who come in, L.A. City School Police who also come in, and once in a while, the Highway Patrol and also the Sheriffs.

Gentlemen, that's very impressive for a community who -- where, if you and I want to have a party, maybe we will go to our backyard. But in the community of Ramona Gardens, the back yard of people is the front yard of others. And there's no other place where you can hold a party.

So, when you have on a constant being questioned by
the different entities of law enforcement, and a constant harassment, and yet you have a law enforcement that comes in that is not even assigned -- and I know for a fact from some of the young members of this community -- only because we are Latinos are we identified as being gang members.

And even if one is a member of a gang, why would that give permission or allow a law enforcement entity to come in and implant falsely narcotics into a car, or come in and use abusive language to the young men and women, or use excessive force?

Why does it have to be that in a community where, I hear also from the young people, that in having these entities of law enforcement, they're able to get along with some, and yet others who are totally estranged to them come in and, at times, might even arrest them and take them from one place, where those members of law enforcement know that where they are taking them is to an opposite gang. And because it is an opposite gang, drop the young people, and have that person put in danger, knowing that they're going to have to work theirselves [sic] out from that situation and come back into their own neighborhood.

CHAIRMAN TORRES: Is that what you've heard law enforcement suggest as "fresh meat"?

REV. SANTILLAN: Exactly.

That -- the experience is that it's not only here in Ramona Gardens, but it's also a constant in the rest of East Los Angeles, that young people are taken from one neighborhood to another, and also implanting false, knowing that some of these young people are on probation, and because they do know that,
they might stop and harass. And if there's any altercation, they will implant falsely narcotics, and from that, have them arrested.

CHAIRMAN TORRES: Father, what jurisdictions does your parish serve in East Los Angeles?

REV. SANTILLAN: The jurisdiction that we have in conjunction -- because our order has Our Lady Help of Christians, which is down in Lincoln Heights; our order has Santa Teresita which is all of Boyle Heights, here, Ramona Gardens; and St. Lucy's, which encompasses all of City Terrace -- they bring down to our Lady of Guadalupe on Hamil and Folsom. So, we cover a big area.

CHAIRMAN TORRES: Father, I know this may be a difficult question to ask, but I have to ask it. Have you ever experienced personally, as a priest, the use of force by law enforcement, and if so, when and by whom?

REV. SANTILLAN: I have been in a constant being reminded: forget about a year and a half ago; forget about two years ago.

Myself, as pastor of St. Lucy's, I found myself with an incident that has happened in front of the parish. I didn't have my collar, but does it make any difference? I went across the street, and I asked these Deputy Sheriffs, "What is happening?"

The answer I got -- I don't think I would be able to say it verbally in front of you or in front of anyone else,
because I don't want to lower myself to the words that I received from that Deputy Sheriff.

In a different occasion, I had gone to the president of our Spanish Youth Group, and I was in front of his house. And I was coming home and gave him a tape with religious music. Out of the clear blue sky, this car pops out, the doors open, guns pointing at us, "Get your hands up," and I can't say what we were told. "What do you have there?" And so I told the young man, "What? Hey, do whatever they say."

Perhaps what impacted me the most, if they're doing their job, does it have to be with such abusive language? If they are doing a service to the community, does it have to be with such force?

I'll never be able to forget because I remember very well the names of those Deputy Sheriffs. And I'm always in a constant to see if I still see them, but it's impressive when someone who is supposed to be there, and once they find out, "Oh, you're the pastor of St. Lucy's," a whole complete total change of attitude, of, "I'm sorry, but you know how things are."

A human person deserves to be treated as a human person. And the dignity of the human person, regardless of how you're dressed, or where you live at, or what you look like, but what impresses me the most is that, quoting Sherman Block, who admits that there are bigotry -- that there is bigotry, racism, brutality, and rogues. I didn't know what that word was, I have to admit that. I had to look it up in the dictionary. But what
was the definition? He's right, they do have some.

And in that, I was very much impressed at a public hearing that it was overshadowed and covered by mayors and councilmen who came and spoke beautiful about the Sheriff's Department. But it took a long time and covered the people who really wanted to talk about abusive language, and the excessive force that is being used, and unanswered questions, to killing on the part of Deputy Sheriffs.

CHAIRMAN TORRES: On that point, Father, this committee has to make recommendations to the Legislature. What recommendations would you make that we should make regarding the problems as you see them today?

REV. SANTILLAN: Definitely an independent investigation has to take place. When law enforcement -- if, on the one part, we hear it's doing fantastic here, doing fantastic there, but then, when we come to our Latino communities, if those who are serving the Latino communities are part of that bigotry, if those who are serving the Latino community are part of those racists, if those who are serving the Latino community are part of those bigots, then definitely my recommendation would be that a total investigation be made on the Sheriff's Department, not only on how does it discipline its Deputies when they are found to have been not only in the wrong, but also guilty of their actions.

No record is kept. People are invited to go make a report at the Watch Commander's Office. Will it get to the proper channels that it could be investigated? My suspicion is
that it doesn't, and it's only my suspicion.

The reason I suspect that is because the two Deputy Sheriffs that were involved in the Arturo Jimenez incident, one had come from the Lennox office and had already prior altercations with some of our young people. And yet, all they did was transfer him from one side to another, but that Deputy continued being the same.

The other Deputy, two days after, had just had a settlement of another young man that he had killed: Jose Murrillo, who was also from the City Terrace area; a young man 14 years old who had a B-B gun. And again, they thought that it was a regular gun, and so, the young man had to be killed.

How is it that after such incidents, Deputy Sheriffs remain in the same location or are just transferred to another place? And yet, what is the discipline that is brought upon them?

Then again, in asking for that investigation, it has to be made by people who will have the time to go in and probe definitely, because if on the part of Sherman Block he admits the racism, then how does he deal with it? If on the part of Sherman Block he admits there is bigotry, how does he deal with it? And if there is brutality, how does he deal with it?

Up to now there have been no answers and no actions, and so definitely, on my behalf, I would ask that an independent commission be established, that it would investigate not only the Department of Deputies or the Sheriff's Department, but in the very example of the Los Angeles Police Department, who has
already begun its changes even in the training of its first
rookies, then that it be also done on behalf of the Sheriff's
Department.

CHAIRMAN TORRES: Thank you, Father Juan, and thank
you for all the work.

MS. AYALA: Good morning. My name is Isabel Ayala.
I'm President of the Residents Advisory Council here in Ramona
Gardens.

CHAIRMAN TORRES: Thank you for being with us, Ms.
Ayala.

MS. AYALA: Thank you.

What I wanted to say was that we have here in Ramona
Gardens 14 different kinds of agencies from the Police
Department.

CHAIRMAN TORRES: Ramona Gardens has 14 law
enforcement agencies in the area?

MS. AYALA: Yes.

We also know that the Sheriffs, well, they have no
jurisdiction in here. We know this. But they still come in.
As a matter of fact, they still are coming in. They have been
sending their helicopter down here at least two, three times a
day. The Sheriff's Department, they have their police cars pass
up and down Indiana, pass up and down Alcazar. They give
threatening signs to our youth who are family, and we are just
tired. We don't want this no more.

We believe that the Sheriffs should -- Sheriff Block
should do something about this, his Sheriffs; take care of it.
We do need law enforcement. We understand that; we need it.

But I do know that in a lot of law enforcement, there is a lot of rotten apples. And I feel that we should get rid of these rotten apples before it rots the whole crate.

CHAIRMAN TORRES: Ms. Ayala, have you heard the term "fresh meat"?

MS. AYALA: Yes.

CHAIRMAN TORRES: What does it mean to you?

MS. AYALA: It means that these are boys that are brought in from other areas, to bring them in here or take our boys from this area to another area, which means these are fresh people, so you can either beat up, or whatever it is that they do.

CHAIRMAN TORRES: Why do you think they do that?

MS. AYALA: Well, I had asked an officer about that, and he told me that, "They're only cholos," why are we worried about them. "They're going to kill themselves anyway, so let us do the job for you. One less to worry about." This is what they have told me.

CHAIRMAN TORRES: Have you had any officers ever enter your home here in Ramona Gardens?

MS. AYALA: Yes. As a matter of fact, it was LAPD. There a Sheriff named Rodriguez, I think it was. Anyway, he used to be a foot beat officer in here. He worked in here for at least maybe a year or so, and then he went into the -- I guess you could say the patrol cars. He got into this - I think
it's a crash unit; it has to do with narcotics.

But he used to come in and harass a lot of people.

CHAIRMAN TORRES: Why did he come into your home?

MS. AYALA: Well, they came to my house because they said that somebody had told them there was drugs selling in my home.

The thing is, he knew the areas, but he come to my home because of this. And he said I asked too many questions, and that he had to teach me to shut up. That --

CHAIRMAN TORRES: How did this officer treat your family?

MS. AYALA: Okay, when he came -- okay, it was my family: my children, my grandchildren, and a few friends who had come to visit. And he got out of his car with a lot of other officers. They blocked the whole street, and they came out with their guns out. They were pointing it, and my grandchildren were in strollers. There were three grandchildren in strollers.

They were pointing the guns at the grandchildren, and I kept telling him, "You have no business here. You know where the ballpark's at. You know all the players. Why are you doing this?"

He says, "If you continue what you're doing, we could eliminate your grandchildren. There's nothing to worry about. And whatever you say, nobody's going to believe it anyway."

CHAIRMAN TORRES: He said to you that if you continued to do what you're doing, he could eliminate your
grandchildren?

MS. AYALA: Yes, because at that time, I was working
with the community in here. I was just getting started. I was
beginning to know a lot of the officers.

We do have good officers in LAPD, but there's a few
also rotten apples. He happens to be one of the ones that picks
on even the seniors.

He knew this, that I was talking to his captain,
telling him about this officer. And he said that he was tired
of me going down there, complaining about him. And this way, if
I did not stop what I was doing, this is what he was going to
do.

And he kept pointing the gun at my grandchildren.

CHAIRMAN TORRES: Did you report this to the LAPD?

MS. AYALA: Yes, I reported it to LAPD. I went to --
I forgot the name of the agency, where it's lawyers. They told
me that there was nothing I could do.

But then the officer himself told me, if I continue
on with what I was doing, that I was threatening them, that they
could have me put in jail.

CHAIRMAN TORRES: Anything else you'd like to add?

MS. AYALA: No -- well, yes, but I want to know if
we're going to get an independent investigation behind Arturo
Jimenez?

Also, I want to know how we can go about stopping the
Sheriffs from coming in here, which they have no business here.
They're still threatening our people.
CHAIRMAN ROBERTI: Senator Presley for a question.

SENATOR PRESLEY: Who did you specifically report this incident to?

MS. AYALA: The one about the officer? It was Captain De Lorente from Hollenbeck.

SENATOR PRESLEY: Captain what?

MS. AYALA: De Lorente.

SENATOR PRESLEY: I'll figure out how to spell it later.

Was he the one that told you there wasn't anything you could do?

MS. AYALA: No, it was the officer himself.

SENATOR PRESLEY: Did you ever get any results back from the Captain?

MS. AYALA: No, because after they threatened my family, I decided to stop.

SENATOR PRESLEY: You decided to stop?

MS. AYALA: [Nods affirmatively.]

SENATOR PRESLEY: What was the officer's name?

MS. AYALA: I just remember his last name. It was Ramirez. Ramirez.

SENATOR PRESLEY: Ramirez?

MS. AYALA: Yes.

SENATOR PRESLEY: And this is what station here? Hollenbeck?

MS. AYALA: Hollenbeck.

SENATOR PRESLEY: Thank you very much.
CHAIRMAN TORRES: Thank you very much.

Guadalupe Vargas.

MS. VARGAS: Good morning. I'm Guadalupe Vargas, and I'm the Vice President of the Residents Advisory Council.

And I wasn't a witness to Arturo Jimenez's shooting, but I have been a witness to other brutalities because I live in -- right in the borderline of Indiana and Lancaster. And I have seen them come in here with their lights off, and then get off their cars and start harassing all the residents that live in the area. You know, like, sometimes they hang around there, drinking a beer or whatever. And they throw them down on the ground, and they make them take their shoes off.

And then one time I saw one of them go up to this individual and get him by the hair and just hit him against the wall. And I can't mention the language that they use.

And then, if you dare go out there and tell them, "What are you doing?" You know, "Why are you doing this?" They'll just cuss you out and tell you you'd better get inside or else, and they have their guns drawn, so what are you going to do?

CHAIRMAN TORRES: Have they ever entered your home?

MS. VARGAS: Yes, they have.

CHAIRMAN TORRES: Would you tell us about that?

MS. VARGAS: Okay. They came into my home with no search warrants. And I asked them immediately, you know, let me see the search warrant then, and they said, "Well, don't worry about it. We'll let you see it later."
And up to this date, I haven't seen a search warrant in my name. I saw it in somebody else's name, but not mine, with another address.

And they came in, and they asked -- they tell me if I don't tell them where the drugs are, that they're going to tear my house apart. And I says, "Well, you might as well start tearing, because I don't know anything about drugs." And then he says, "Oh, come on. You know. You know about drugs." And I says, "No, I don't."

So, they started going into the house, and they just tore it all apart. And my -- some of my nieces and nephews were there, and they strip-searched, and then there was -- I had about six kids at my house, and they were just screaming, because they were -- they were terrified because they had their guns drawn.

I kept on asking for the search warrant, and the search warrant that I saw was 1461 Indiana, and I don't live on Indiana. I live on Perez Lane.

CHAIRMAN TORRES: What happened after that?

MS. VARGAS: After that, they took me to court. The Housing took me to court because of one officer said that he had found drugs in my house. So, I know it wasn't true. But then, what I was figuring is that the Sheriffs handed it over to LAPD, and then LAPD is the one that reported me, so I went to court for a whole year behind this.

It was a lie. It was a lie.

CHAIRMAN TORRES: What happened in court?
MS. VARGAS: In court, I had a trial by jury, and I was found innocent.

But like I say, I had to fight them a whole year behind the lying testimony of this one officer. And he lied under oath, because I know there wasn't any drugs in my house.

CHAIRMAN TORRES: Anything else to add?

MS. VARGAS: No, I wanted to ask -- to say that I hope that they have an independent investigation because I don't think that the Sheriff Block should have a right to nominate his own committee, you know, because -- and then him head it?

That's all I have to say.

CHAIRMAN TORRES: Thank you very much for being here, and it's very important.

Many witnesses did not want to testify today because of intimidation and fear of testifying because of possible retribution by law enforcement against them.

I want to applaud you, and Ms. Ayala, Father Juan, Ms. Jimenez, for having the courage to testify before this committee. Thank you.

MR. PULIDO: First, I'd like to thank Senator Art Torres and Robert Presley, and their staff, Diane Gonzalez, for helping us make this all possible for our community.

Also I'd like to thank our coalition for pushing and pursuing this to the utmost where we're at here today. I'd like to thank all of them individually for helping us make this thing possible.

At this time, I'd like to present our recommendations
to Art Torres and State Senators. At this time I'd like the
Sergeant-at-arms to give you a copy for each one of the Senators
who's supposed to be here.

I'd also like to say, Tim Ortiz, my co-chairman, is
up here with me. I'd like him to add anything I miss so we can
make sure we give our presentation to the fullest.

Let me start off by saying, this death that happened
in Ramona Gardens is the first of many, many abuses that the
community has to be suppressed under at all times. They're
always here in the community, the policemen.

You have good policemen; don't get me wrong, but you
also have policemen that consider this their training ground.
They come in here and see how much they can provoke, push these
young men in the community. And they're under the impression
that everybody's here underneath the gang that's here, Hazard,
and also the drug infested area.

And this is why we, as a community, is letting the
police know that we don't want them coming in here and putting
people under this kind of pressure, that they could come in here
and take a life and abuse the community overall.

Also, I'd like to say that we need services for
Ramona Gardens. We'd like it to start here in the community of
Ramona Gardens. And all the projects out there need services,
too, so this way the environment, when they come into it, they
won't be looking at it like they do when they come in here.

I think the services will help tremendous, bring the
law to look at the environment on a better level when you have
people working in a positive direction instead of their feelings toward negative.

And also, I want to say one thing. This is what it's all about, having a meeting inside the community. This is one thing that I stressed to the Board of Supervisors when I went up there and spoke. So, you can have a community here where they don't fear going to the Board of Supervisors. It's a lot more community-oriented meeting, considering what happened in the past.

Also, our main objective, if you look at our report, is to have an independent investigation for Arturo Jimenez. There's also the other three people that were killed in vain as far as we're concerned.

I hope the state now looks at this and moves on it, and we have our position paper here in front of you.

If you have any questions or anything, myself and Tim are here to answer your investigation.

CHAIRMAN TORRES: Mr. Tim Ortiz.

MR. ORTIZ: My name's Tim Ortiz. I'm the co-chairman of the ad hoc coalition, Committee for Arturo Jimenez.

I was born and raised in Ramona Gardens, and now I work out of Ramona Gardens, which is my home base. I've always been concerned about my community and the needs for my community.

And I'm also tired of the law enforcement agencies -- LAPD, L.A. County Sheriff's Department, and whatever agencies we have that come in here. I am tired of them. They're coming in
here and manipulating my people. We are tired of the Sheriff's Department coming in here, cussing out our mothers, disrespecting them. We are tired of them making examples out of innocent bystanders. We are tired of them getting our home boys from this community and dropping them off in other neighborhoods.

We are tired of the chaos that we have to go through to report this kind of misconduct. We never see any results. We are tired of our elected officials not standing behind us. I am tired of the County Board of Supervisors. I am disappointed in the way they acted and the way the hearings were held.

I feel that we as taxpayers have the right to speak out and be heard and get what we need. We are the taxpayers. We are the voters. We are the people who put them in office to lead us and to stand for us, to come out front. We are tired of all this: I'll sit in the back and direct you guys. No, they have to come out, because they're the ones with the titles.

I am fed up and disappointed with Kenny Hahn, and Antonovich, and all the other ones who praised Sherman Block. I am hurt and humiliated that Ms. Jimenez and all the mothers had to wait seven hours to be heard. I was pissed off at the charade that they put on, glorifying the Sheriff's Department.

One thing I have to say is this. I acknowledge the Police Department. I know that there's a need for policing this community. We know that our community has a gang problem. We know that the city's got a gang problem. We know that the county has got a gang problem. The whole State of California is
infested with gangs.

But we don't need our Sheriff's Department to have a gang. We need our Sheriff's Department to support us and to make our people feel safe walking the streets.

Our parents here in Ramona Gardens and throughout East L.A., when they see the Sheriff's Department, the first thing they do is, they gather the kids and they go in their house. They are traumatized by the performance; they are scared to death of them. When they get out of their cars and pull out those nine millimeters, the first thing they do is, they start pointing it at people. I've seen and I've experienced how they come out, and they tell mothers, too -- I can't say the words -- to get in the house, waving the flashlight and coming at them with batons. They traumatize the community.

I know that there is good police officers, and I know that there is good Deputies. But I know that the time has come that there be a change, and that there be an independent investigation, and that Sheriff's Department be cleaned out.

We cannot go on living like this. I feel that me being a taxpayer, I should know where my money's going, and I should have a right to say how my money is being spent.

I don't appreciate the L.A. Sheriff's Department killing Arturo Jimenez, David Ortiz, and that other guy, Hamilton, and Clements, and whoever else they kill.

I mean, if it would have been one of us, a resident, a taxpayer, that killed somebody, or a Sheriff, or a Deputy, we would have been faced with the chair, life without parole. Why
should they be protected? Why should Sherman Block be protecting these people? He's an elected official, and he's got to start acting like one.

He feels that the City is not obligated to the County. Well, he made himself obligated to the City by his boys coming into the City and doing what they did. And now, we want answers, and somebody's got to respond for the misconduct that his Deputies is doing throughout the State of California.

Therefore, Senator Torres, I'm asking you on behalf of my people here at Ramona Gardens and East L.A., that you push for the independent investigation.

Right now I have a petition being signed and going around the community, saying that that's what the people want. And I know you're for the people. That's why I'm here speaking today.

CHAIRMAN TORRES: Thank you very much, Mr. Ortiz.

Mr. Samuel Paz, attorney, representing the Jimenez family. Mark Johnson --

MR. PAZ: Mark is not here. There are two eye witnesses I would like to call. That would be George Gutierrez and Christine Vargas.

Thank you, Senator.

Senator Torres, Senator Presley, I'd like to introduce myself first. My name is Samuel Paz. I represent Elva Jimenez, and I will be representing her in a law suit that will be filed on behalf of her family for the wrongful death of Arturo Jimenez.
I'd like to thank you, Senator Presley and Senator
Torres, Diane Gonzalez and Alan Gordon, for having us here, for
assembling this assembly. I believe this is the first time in
the history of the State of California in which there's been a
California legislative body who has come to investigate and to
take testimony regarding police conduct. I'm especially
appreciative of the fact that you've chosen Ramona Gardens as
the first of hopefully many other hearings on this vital issue.

The importance, I think, that the State Senate must
realize and the State Legislature must take into account is that
throughout the history of the United States, incidents of police
violence, incidents of police abuse, have been one of the
hallmarks, one of the pivotal points in terms of communities'
outrage, in terms of communities taking the law into their own
hands.

In this instance, I think it's correct that you would
take an interest, because this is not an isolated incident.
It's not one or two or three. In the last few years, we've had
a tremendous upsurge in the amount of deadly force and the use
of force in our communities. And it's this outrage, it's this
anger, that they sensed after the Rodney King beating and after
the shootings which have taken place in the last period of time
in this community that you're sensing, and the rest of the
elected officials know is on the verge of really on the minds of
so many people.

It's with this background, and with the notion also
that we have a changing community of Latino and Black
communities that are largely growing. We are all concerned with

gang violence.

But I'm here today to help you present the facts of
this case, the facts as we know them from interviewing
approximately 20 witnesses, and to discuss with you two short
points, two major points that I would like you to take back to
your legislative body for consideration.

Before I start discussing the facts of the Arturo
Jimenez case, I want you to keep in mind two points. Have the
Deputies involved in this case simply made mistakes in
procedures, assuming there are some mistakes, or have they
learned to purposefully disregard procedures because they know
that there is no internal mechanism that creates responsibility?
In our own constitutional terms, is there no balance, is there
no check system, for our executive branch? In this case, the
Police Department acting as the executive, is there a check and
balance system?

I believe that our state law, our Penal Code Section
832.5, is totally deficient. It only requires a complaint
procedure. There is absolutely no place in state law that
requires independent -- that is, a legislative or a judicial, or
any other independent -- branch to look at wrong doing of the
police departments.

I believe that the facts and the evidence throughout
the state will show that the district attorneys throughout the
county have conflicts of interest and are unable to
independently investigate. I think that, as you look through
these cases and the pattern emerges, you will see the only place that people find justice is in the civil court room, and that's why you have a growing number of judgments against departments that are in trouble, against departments that, as a matter of course, are using violence, and that violence is being condoned by the management.

CHAIRMAN TORRES: Do you have information or facts as to how much money the County taxpayers have paid out in judgments for brutality cases?

MR. PAZ: I believe the general figure that has been reported in the last year is that -- is that in the last three years, it's over $12 million that the County of Los Angeles has paid for settlements and verdicts related to police abuse alone.

I believe the figure for Los Angeles City is somewhere closer to $20-25 million over the last three years. A substantial amount of money.

And what we're talking about is a consequence of a system in which the only place that people can seek redress is through the civil court room. That's why, and as I explain to you a little bit about the facts of this case and what happens in the course of the investigation, you'll see that there is no justice. There is no place that people can go to protect their freedoms except relying on a law that is the 1871 Civil Rights Act. It was passed after the civil rights war to protect slaves. That's the law that we basically use to protect citizens' rights in this country. There is no other state law that we can use. And basically, negligence and other state tort
laws are older than this Constitution.

Let me turn to the facts of the Arturo Jimenez case, and let me -- with that in mind, think about the themes that you've heard: the questions about random Sheriff's Department vehicles cruising through, basically looking for trouble; Robert Feliciano, ex-sheriff and who ran for Sheriff in the last election against Sheriff Block, calls this procedure of cruising through out of their jurisdiction --

CHAIRMAN TORRES: We're going to have to have it very quiet so the stenographer and my colleague and I can hear. It's very difficult to hear. It's very difficult acoustics. This room was not built for a hearing; it was built for recreation.

I'm going to have to ask for your cooperation, the Sergeant and others, and keep your conversations to a minimum. It's very difficult to hear.

Let's cut to the case, Mr. Paz.

MR. PAZ: Yes, as I was pointing out, and I'll be a little closer to the microphone, as I was pointing out, Robert Feliciano, in his recent testimony, called the process that you've been hearing about -- Sheriff's officers leaving their jurisdiction, surreptitiously, sneaking around with their lights off, and then basically coming in to a jurisdiction such as Hazard -- Hazard Park area, or the Ramona Gardens area, and finding individuals, chasing them, harassing them, making them stand with -- either with their pants down, or handcuffing them and making them lay on the floor, making them lay spread-eagled. This is called "cherry picking", or it's also known as
"poaching" in some Sheriff's Departments. And this is testimony from an ex-sheriff.

In our community, and I want to show you an aerial map, and this is a recent aerial map, we see that the center area is Ramona Gardens. On one side it's bordered by the San Bernardino Freeway. On the east, it's bordered totally by factories. On the north, it's bordered by railroad tracks, Valley Boulevard, and more factories. And Soda Boulevard, again, on the other side is factories, a large park, and a commercial facility.

You have basically a community that is an island. It is an isolated place where people grow up and live all of their lives.

Young men in this community who go through the, quote, "gang process" or the gang phase, most of them, 90 percent of them, according to Dr. Jaime Regalado and Dr. Diego Vigil, 90 percent of them move on, go to college, go to school, have jobs. Ten percent have trouble with the law and go to prison or drop out of the community.

CHAIRMAN TORRES: Ten percent?

MR. PAZ: Approximately 10 percent.

What we're talking about is exactly in the words of Sheriff Block, "There is a war out there." And in the terms of the Deputies, the war is being fought against the enemy, the 100 percent of the youths in the community.

That's the mentality in which you see this pattern develop.
The facts of this case, talking about this community, on the vertical road which is depicted in the center of the page is --

CHAIRMAN TORRES: What's the population?

MR. PAZ: I don't know. I think it's less than 10,000.

But the road that is divided in the center of the page here is Indiana. This from the east, then, is the Sheriff's Department's jurisdiction. And if I may show you an enlargement of this area.

Senators, what I've done, in the green I've marked off Indiana. I've marked off in the center, at the bottom of the page, the gymnasium where we are at now. This street is Lancaster, and comes down and meets with Evergreen at this junction.

These are the two housing projects, which are depicted up at the top. This is the building on Evergreen depicted in the upper photograph. This is the other building, which is at a right angle, which is depicted in the lower photograph on the left.

What you see, then, is the jurisdiction of the Sheriff's Department is divided by this road. The Sheriffs weren't just a little out of their jurisdiction; they were at least two to three blocks from either direction in order to get there, and two or three of the housing projects away.

The justification, as was suggested by the Los Angeles Times immediately after the shooting was, they were in
hot pursuit. Yet we know that the hot pursuit is a lie. We know that the hot pursuit never occurred because there was never a car. We know that we've interviewed Rosa Morales and her companion who saw them here, on Lancaster, where Deputy Mann and Deputy Ellison left their vehicle, went on a foot chase after a young man whom they didn't know, and who they were basically saying, "Hey, you, come here."

The young man, being wise and growing up in this community, knew what he was in for. He was alone. He was going to be chased. He was going to be stopped. He was going to be harassed by these officers, so he ran.

His wife, Rosa Morales, stood there and watched. She identified -- with my interview, she has identified Mann and Jason and the vehicle.

They went back to their vehicle. They got in and they drove up Lancaster. The shooting took place less than five minutes later.

No hot pursuit.

What happened then? We have eye witnesses, and a number of them will testify; two of them -- Christina will testify and also Mr. Gutierrez, who was involved -- who was the boy who was struck by Jason Mann -- will tell you that as they, the officers, came up Evergreen Street, they came up with their lights off. They stopped here. A number of people were here, and as Father Santillan told you, people don't have backyards. People's backyards are people's front yards.

There was a small party going on in this area. And
it was actually in a house that was three doors down. Only ten
or twelve youths were here on the corner.

The officers stopped, flashed their lights, flashed
their spotlights on the youths. They stayed there for
approximately two to three minutes, flashing the spotlights on
the youths. A bottle was thrown at the back of the car. The
bottle came not from their side of the street, but from the
other side of the street and down the block.

The officers then backed up with their spotlight,
gent down to the end of this building, which is depicted in the
top photograph. There they searched for the person who threw
the bottle.

Two or three minutes passed. They came back up, and
that's when the fatal second stop occurred. George Gutierrez
will tell you that Jason Mann got out of the car, walked up to
him, not far from this wall on the grassy area, by himself.
First asked Gutierrez, "Who threw the bottle?" Gutierrez said,
"I don't know what you're talking about," and he was struck in
the face by Jason Mann.

I've just been told that I got my name wrong, it's
Gonzalez and not Gutierrez.

George fell near where Arturo Jimenez was shot.
There, a number, approximately five or six, of the youths
gathered around and said, "Why did you hit him?" Mann takes out
his gun, waves it, and as he's waving the gun, he says, "I can
do anything I want." The gun is discharged.

There, in the center page, on the right-hand side, is
where Arturo Jimenez fell. His grave is marked by the community.

The pattern that you see -- and one other point. All of the witnesses that we've talked to in the community say that there was no struggle over a flashlight. In fact, what occurred was that Mr. Ellison never left the rear of the car, the police car in the street. Witness after witness has testified that Mr. Ellison was injured only after the shooting occurred because of the outrage of people who threw bottles, who came after them, after the two Sheriffs, because of what they had done.

CHAIRMAN TORRES: What happened to the individual who tried to give CPR to the victim?

MR. PAZ: That's Mr. Leo Alvarez. Mr. Leo is here, and he'll also testify.

What we've talked about occurred within a five-minute period. The first call was reported, at least by the Los Angeles Times, at 1:34 a.m. The second call, which was for back-up, was 1:34 a.m. [sic], and the ambulance was called at 1:38 a.m.

There was no call for those officers to be in that area. That is, no request for assistance by law enforcement. There was no call regarding a crime. They were not there for any other purpose except to be out of their jurisdiction.

Leaving their vehicle, if there had been danger, every police officer in the State of California will tell you that they would have called for back-up. None of those things were done. The hot pursuit was never reported. The claim of
even the chase of the young man was not reported to the dispatcher.

What you have here is a pattern of law enforcement officers who have taken the law unto themselves. Why do they do that, and why do they think they can act with impunity? Because of the very thing that happened after that, and I would like the State Senate to think about the manner of the investigation.

Did they separate those officers and take a statement from those officers immediately after the shooting? We don't know.

CHAIRMAN TORRES: They did not.

MR. PAZ: The procedure is not to do that.

Did they tape record the statements of the officers from beginning to end, as they did with every other individual witness? I don't believe they did.

Did they require the officers to make a written narration of what happened that night before they were given the facts of what information the homicide detectives had in order to make their stories consistent with the evidence? I don't believe they do that. I don't believe any law enforcement agency does.

Why is the standard for the investigation of independent witnesses, of civilians, different? These witnesses will tell you that when they were taken down to be questioned, they were questioned for hours in two or three different rooms. Was that same procedure applied to the officers? I don't think so.
Should the public have two separate standards: a standard for police officers, the investigation of police officers when there may be a crime; and those for civilians, those for citizens who may be involved in a crime? I don't think we should have a separate standard.

I believe we are a country that is proud of their traditions of freedom, and a country that is proud of their -- part of their tradition of liberty. Shouldn't we have openness in our communities regarding the public acts of law enforcement, the public acts of public officers who, in the course and scope of their duties, they commit questionable acts?

It has been 44 days since Arturo Jimenez was killed, yet not yet has any public agency released a statement involving Mr. Arturo Jimenez. Not yet has the District Attorney, Internal Affairs, the Sheriff's Department, told us what is the version of the police officers. The only thing that we have is what we've read in the Los Angeles Times from a press release who, somebody says, is a preliminary -- based on a preliminary investigation.

In the last year, there have been 20 shootings, 20 shootings, that we know of in the County of Los Angeles. The District Attorney has yet -- not yet, in 8 months, to return one case in which they have decided whether there'll be a prosecution or there will not be a prosecution.

What is happening to our law enforcement agencies who investigate questionable police conduct?

Let me finish.
CHAIRMAN TORRES: Do you want to wrap it up?

MR. PAZ: You know that lawyers talk too much.

CHAIRMAN TORRES: I warned my colleague about that.

MR. PAZ: Finally, then, I just want to carry back with you one thing. People have talked about independent investigations. My suggestion to you is that there's a reason for that, and it may not have been clearly thought out by many that want that.

I suggest to you that the quotations by Sheriff Block that were taken and recorded by Jessie Casanova, Los Angeles Times on September 8th, are very telling. They say that as long as our officers feel that it's okay to shoot, then it's okay, if they, quote, "feel threatened".

I'm telling you that that is just an incorrect proposition of the law. The United States Supreme Court has said that shootings should not be viewed on a subjective basis. That is, we don't simply say, "Well, officer, do you feel threatened, and therefore you can kill?" No. The law has been for a number of years that if someone objectively, reasonably, believes that there was the necessity to use deadly force, then it's justified.

The objective standard is missing from law enforcement agencies who police themselves. Can you expect a law enforcement agency who is, on one hand, preparing a defense for a possible civil action, to also be objective and create or at least find facts that may include culpability on the part of the officers and civil liability on the part of the County? I
suggest to you it is impossible.

That is why the police officers organizations have recommended that every police officer unit have an independent body for supervision of complaints.

I hope that you will amend Penal Code Section 832.5 to require independent civilian review for every law enforcement agency in California.

Thank you.

George Gonzalez and Christina Vargas.

CHAIRMAN TORRES: Senator Presley has a question, Mr. Paz.

MR. PAZ: Yes, Senator.

SENATOR PRESLEY: What would you think of vesting that authority, investigative authority over law enforcement agencies all over the state, that responsibility lawfully in the Attorney General's Office? Do you think that would work?

I know local control would come to the fore. Everybody would say, "You're interfering with city and county matters." But you may get a standardized, statewide, more objective investigation from the Attorney General.

MR. PAZ: If it were adequately staffed and there were disbursements of -- that is, distribution of state officers in regions, it may be workable.

CHAIRMAN TORRES: Do they want to testify?

MR. PAZ: Yes.

CHAIRMAN TORRES: They do, okay. You don't have to if you don't want to.
MS. VARGAS: My name is Christina Vargas, and I'm Arturo Jimenez's girlfriend. I was there with him the night of the shooting.

To tell you the truth, the Sheriff named Mann didn't have the right to shoot Arturo. Arturo didn't do anything for the Sheriff to shoot at him. The Sheriff didn't even have the right to be in the projects that night.

All we were doing is just having fun, celebrating a birthday party that we had for Diane Reyes.

The reason I'm here is because I know and everybody know here -- here knows that there's racism behind the Sheriff's badges. Right now, this minute, there might be somebody else getting beaten or killed by a Sheriff of LAPD.

I'm not asking you just for me, but for the other families that have lost someone they love to the Sheriffs. All we want is an independent investigation. We just want all the dirty Sheriffs to be thrown out of the force. That's all we're asking for.

They already killed one of our loved ones. What else are they going to take away from us? You tell me that.

Thank you.

CHAIRMAN TORRES: I have a very important question to ask you.

You were there that night.

MS. VARGAS: Yes, I was.

CHAIRMAN TORRES: Did you see Arturo Jimenez hitting the officer with a flashlight in the face?
MS. VARGAS: He didn't. He didn't do nothing.

CHAIRMAN TORRES: He didn't strike the officer with a flashlight?

MS. VARGAS: He didn't strike the officer.

CHAIRMAN TORRES: He didn't strike the officer in the face?

MS. VARGAS: No, he didn't.

Thank you.

CHAIRMAN TORRES: Excuse me, Senator Presley has a question.

SENATOR PRESLEY: I was going to follow up to that. Did you see anyone strike anyone with a flashlight?

MS. VARGAS: I didn't see nothing, because right after the shooting, I had run to Arturo, and my brother came and he took me inside the house.

SENATOR PRESLEY: So, right after the shooting --

MS. VARGAS: Right after the shooting.

SENATOR PRESLEY: -- you weren't in a position to see too much.

MS. VARGAS: Yes.

CHAIRMAN TORRES: But up to the shooting, no one else struck the officer with a flashlight?

MS. VARGAS: I didn't see nobody getting his because I was in the house. No, before the shooting, nobody hit anybody.

CHAIRMAN TORRES: Where were you standing that night?

MS. VARGAS: I was with Arturo by the tree.
CHAIRMAN TORRES: Were you standing next to him?

MS. VARGAS: Yes.

CHAIRMAN TORRES: Thank you very much.

Mr. Gonzalez.

MR. GONZALEZ: Well, what I'd like to say is what happened that night should never have happened. What the officer did, he just came out of nowhere, and he came up to me, and he told me, "Get off the wall," where a party was at. And he told me to get off the wall, and I got off the wall, went across the grass. And he told me -- and I told the officer, "What's wrong? Something wrong, officer?"

He goes, "Who struck me? Who threw the bottle on my car?" I say, "I don't know what you're talking about. I just got here." And he goes, "Don't act dumb. Who threw the bottle on the car?" I said, "I don't know."

So, he started telling me wrong things, you know, bad words and I don't want to say it. And then he got more madder and madder that I wouldn't answer his questions.

So, he just turned around, his head, and then he struck-- he struck me with his left -- left hand, and that's when I dropped on the floor. So, I was dazed for a couple of seconds on the floor, and Arturo Jimenez came, you know, to the side. And he told the officer, "Why did you hit my homeboy for?"

So, he keeps saying that, and the officer got scared, I guess, and more people on the porch, the porch behind my back and seen what happened. And he got -- he started backing up,
and he started putting his hand, putting it right on his gun. And then he started going back and back, and a couple of steps back he just pulled out his gun. He started waving it at everybody, like five, six of us.

And then -- so, we started going backwards, and he started going backward at the same time. So, a couple steps more he took, that's when he shot three rounds and hit Arturo Jimenez. He just fell.

So he, he got scared and panicked. He ran back. I seen when Arturo Jimenez fell, so I ran around the building to call the ambulance. But by the time I got to -- when I came back, I seen a lot of people already around Arturo Jimenez, and they were just crying and yelling, so I backed off. And I seen his face, and I, you know, I started crying, you know, so I backed up again. After a couple of minutes I came back, they had a car of back-ups, the sheriffs.

So after that, I stayed away from a couple of minutes, and then some more back-ups came, and that's when everything started happening. But I didn't see -- I didn't see what happened. I was in the background; I didn't see nothing. I just seen when the shooting happened, and that's all I could say.

CHAIRMAN TORRES: Senator Presley has a question for you.

SENATOR PRESLEY: You saw the officer backing up with his hand on the gun?

MR. GONZALEZ: Yeah, he was going like this, backing
CHAIRMAN TORRES: Why don't you stand up and show the
Senator.

MR. GONZALEZ: Backing up like this, and then a
couple of steps back, that's when he starting picking up his gun
and started waving at everybody.

SENATOR PRESLEY: How many feet did he back up,
approximately? Do you know?

MR. GONZALEZ: Eight -- eight or six steps. Six to
eight feet.

SENATOR PRESLEY: Approximately, if you can give a
guess, approximately how many people were out in front of the
officer?

MR. GONZALEZ: They were back of me, maybe five or
six.

SENATOR PRESLEY: Five or six?

MR. GONZALEZ: Yeah.

SENATOR PRESLEY: Did any of them have any kind of a
weapon, any flashlight, or --

MR. GONZALEZ: No, they were just there. They were
just -- they seen me when I got hit first. They ran when they
saw the officer hit me in the face. They seen me, you know,
drop, and then after Arturo Jimenez was telling them, "Why you
hitting him," more people came.

SENATOR PRESLEY: Were any words being spoken?

MR. GONZALEZ: No, just them two, just Arturo and the
officer just talking. That's when the shooting became.
SENATOR PRESLEY: Nobody was threatening anybody?

MR. GONZALEZ: No, they were just saying, "Why are you hitting him?" Why did he hit me for.

SENATOR PRESLEY: I'm talking about when the officer was backing up.

MR. GONZALEZ: No, it was just looking at him.

SENATOR PRESLEY: Nobody was saying anything?

MR. GONZALEZ: No, they're just backing up. He was, like, looking at us and saying, "Get back. Get away, get away."

So, he just pulled out his gun.

SENATOR PRESLEY: Thank you.

CHAIRMAN TORRES: Thank you very much.

MR. PAZ: Thank you, Senator.

CHAIRMAN TORRES: Mr. Leo Alvarez. Welcome to the committee, Mr. Alvarez.

MR. ALVAREZ: Thank you for inviting me.

My name is Leo Alvarez. I'm the youth advisor for the RAC, Ramona Gardens Advisory Council.

CHAIRMAN TORRES: So you're the youth advisor for the Ramona Gardens Advisory Council?

MR. ALVAREZ: Yes.

CHAIRMAN TORRES: You were there that evening?

MR. ALVAREZ: Yes, I was.

CHAIRMAN TORRES: Did you see what the other two witnesses have said they saw as well?

MR. ALVAREZ: I didn't see the shooting or the struggle.
CHAIRMAN TORRES: At what point did you enter the scene of the murder?

MR. ALVAREZ: When I heard the shots.

CHAIRMAN TORRES: What did you do at that point?

Were you at your home?

MR. ALVAREZ: I was across -- actually where I was, I could see Lancaster and Evergreen, and I could see them jamming where I was, and I could see the crowd.

But I didn't hear no cars, speeding car that they said passed by.

CHAIRMAN TORRES: Tell us what happened when you heard the shots and what you did.

MR. ALVAREZ: When I heard the shots, I turned around and I seen two people on the floor. When I was getting closer, I found -- the first one I saw, he wasn't shot. He was, like, knocked out. I don't know what happened.

CHAIRMAN TORRES: Was that George Gonzalez?

MR. ALVAREZ: No, it wasn't. It was somebody else.

When I got closer to Arturo, I noticed that he was shot. So what I did, I sat next to him, and I -- the first thing I did was, I cleared an airway so he could breathe better because he was -- his head was tilted. So what I did, I got his head to turn, and I just cleared the airway.

And I noticed that he was bleeding too much, so what I did, I took off my T-shirt, my white T-shirt, and I placed it over his chest. I took off my T-shirt and placed it over his chest. And he was still alive.
And I was telling this to the Sheriffs that, "Where's the ambulance at?" They told me that they called them already. But I actually didn't see -- I was in a house nearby. I just seen men.

CHAIRMAN TORRES: Where was your cane at this time?
MR. ALVAREZ: On my lap.

CHAIRMAN TORRES: On your lap. As you were trying to stop the bleeding of Mr. Jimenez, what happened at that point?
MR. ALVAREZ: After -- when I found out he wasn't bleeding no more, and all of a sudden he stopped breathing. Where's the ambulance at? That's about ten minutes now already passed. And everything's so close, you know, it should -- the ambulance should be there in about three minutes.

I was just, like, mad that they didn't try to call the ambulance. The only person that I seen call the ambulance was LAPD when they got there.

So what happened later, somebody grabbed my cane, and I know it was a girl, had long hair. I knew when that struck the Sheriff -- so I grabbed it from her, and they sort of grabbed it, too, so I was still holding the cane. She let go, and I kept hanging on to it. That's when they figured that I was trying to hit them with the cane.

CHAIRMAN TORRES: What did they do at that point?
MR. ALVAREZ: They hit me on both of my hands to let go of the cane. I let go of the cane, and they threw me on the ground on my stomach, and had my arms like this. One of them kicked me here, and they had their foot on my face like this.
And two -- one of them came and stepped on me twice on the face. I mean, he didn't -- he didn't hit or anything. He wanted to just step on me.

CHAIRMAN TORRES: So at the time that the situation happened with the cane, you were trying to apply CPR to the victim?

MR. ALVAREZ: Yes, yes. I got pulled away from him.

CHAIRMAN TORRES: The officers thought you were going to hit him with the cane?

MR. ALVAREZ: Yes.

CHAIRMAN TORRES: Is that what they said to you?

MR. ALVAREZ: That's what they told me later in the substation when I got arrested.

CHAIRMAN TORRES: So the Officer said later, after you were arrested, the reason you were arrested was that you were interfering with --

MR. ALVAREZ: Resisting arrest and obstruct -- obstructing an officer, something like that. It was a 148.

CHAIRMAN TORRES: Why did the officer say he beat you up while you were applying CPR to Mr. Jimenez?

MR. ALVAREZ: He said that I was trying to hit him with my cane.

CHAIRMAN TORRES: That you were what?

MR. ALVAREZ: He said I was trying to hit him with my cane. That's what he -- that was their excuse for them to beat me up.

CHAIRMAN TORRES: Would you stand up, please, and
show us how the cane was in your lap?

MR. ALVAREZ: I was sitting down when that happened.

CHAIRMAN TORRES: You were sitting down.

MR. ALVAREZ: What happened was this, the person grabbed it, was going to hit the officer. And I got it in the middle. An officer grabbed this end, and she let go, and I'm still hanging on like this. So then, that's when they pulled me away from him. That's when they hit me right here, to let go of the cane. And I got hit about four times, and that's when I let go. I hurted too much.

So, when I let go, they came and they threw me on the ground. And I was on my stomach, and one of them had my arm, this one, and another officer had his foot on my back. I was already detained. I didn't need to get beat up.

CHAIRMAN TORRES: It's important for you to hold on to your cane; isn't it?

MR. ALVAREZ: Yes, it is.

CHAIRMAN TORRES: Tell us why.

MR. ALVAREZ: I've had polio since I was eleven months old. I walked with a brace for the past six years. I used to walk with crutches for about twelve years.

I use my brace to walk upstairs, really, basically, and to use leverage and balance. And I lose my balance very easy.

CHAIRMAN TORRES: That's why it was hard to let go of it?

MR. ALVAREZ: Actually, yes, it was.
CHAIRMAN TORRES: Because it's part of you.

MR. ALVAREZ: Yes. I don't leave home without it.

CHAIRMAN TORRES: Thank you very much.

Officer Kent Keyfauver, Officer Ramon Montijo, Police Chief Sharon Papa from the Southern California Rapid Transit.

Officer Keyfauver, welcome to the committee.

MR. KEYFAUVER: Thank you.

CHAIRMAN TORRES: Begin.

MR. KEYFAUVER: I don't have a prepared statement.

CHAIRMAN TORRES: Can you describe the Hazard gang and its operation at Ramona Gardens for us?

MR. KEYFAUVER: The Hazard gang, it's hard to describe in facts and figures. It's a fairly large gang in the East L.A. area. They are involved in a lot of criminal activity in and outside of the projects. However, they're very -- a very distinct gang.

Although they are involved in a lot of crime, they have a camaraderie within the gang itself. You could be burning the house down effect with the crime, but you get the building up effect with the camaraderie of the gang. It's a very family-oriented neighborhood and gang.

There is no -- there's no true leader of the gang itself. It's basically run by influential senator-types. You'll have a series of them who carry a lot of weight in the neighborhood.

It's also further broken down into cliques, as they call it, or groups, each gang involving age groups within the
clique itself.

CHAIRMAN TORRES: Was Arturo Jimenez a member of that gang?

MR. KEYFAUVER: Yes, he was.

CHAIRMAN TORRES: Did you consider him to be violent?

MR. KEYFAUVER: Uh, to myself, personally -- I can't speak for my partner. He'll have to give you his answer -- I don't see that he was -- would be considered a real violent, typical violent gang member, no. I didn't have that experience with him.

CHAIRMAN TORRES: What is meant by the term "poaching"?

MR. KEYFAUVER: Poaching to me, in law enforcement, means when a law enforcement agency enters into a neighborhood -- specifically speaking, it could be inner city, it could be out of the city itself -- where they go into somebody else's jurisdiction, and goes in to find things to do, perhaps, not with a specific mission. Kind of a wait and see, let's see what happens, root out some problems.

CHAIRMAN TORRES: Do you know the L.A. County Sheriffs regularly poach at this housing project?

MR. KEYFAUVER: Uh, I don't think I can answer that, to tell you the truth. I -- they come in here. Their gang reps come in here.

They have -- they have reasons to come in here as far as gang activity is concerned if they're OSS and their GIT team. The Hazard gang is involved in crimes outside the
city area, sometimes drive-by shooting in the County area with opposing gang members. So, that would bring them in here for specific reasons.

If they specifically poached, I did not honestly see that.

CHAIRMAN TORRES: You are, under California law, considered a peace officer and allowed to carry a weapon?

MR. KEYFAUVER: Yes, sir.

CHAIRMAN TORRES: How do you patrol this area?

MR. KEYFAUVER: Well, we're specifically assigned to this neighborhood. We're a community-based policing program. We started here in Ramona Gardens when I was the first officer that was involved in that program.

CHAIRMAN TORRES: What does that mean? How do you patrol it?

MR. KEYFAUVER: Well, it's mostly by foot, close contact with the neighborhood and the tenants and the gangs that reside here. That involves a number of different things.

We -- basically it's a community-based system where we interplay with social services and other law enforcement agencies, and other agencies such as parole, probation, City Attorney, District Attorney, to try and accomplish a -- not a high profile type of traditional approach that's used, but more of a building up of the neighborhood, trying to better the neighborhood with different techniques, not specifically arrests.

CHAIRMAN TORRES: So arrest is not a high priority
for you?

MR. KEYFAUVER: Not in the entire scheme of things. Once you get into this neighborhood, you find that arresting is -- it's a numbers game, and it has a value, but then, in its entirety as a system by itself, it's not very effective in this specific neighborhood.

CHAIRMAN TORRES: What recommendations would you have for this subcommittee that we should take back to Sacramento regarding your experiences here in Ramona Gardens?

MR. KEYFAUVER: I think that the inner city, and Ramona Gardens specifically, requires a different technique of policing than we're all accustomed to.

I think that we need to learn who our people are that we're dealing with by name and by family, and who's in the house, and what their lives are about. It gives you - it alleviates a lot of the problems that you would incur traditionally. Brutality, any complaints of abuse or anything else, seems to subside.

It just -- it takes out a lot of the fear factor between you and the community. They get to know you, and you get to know them. And that face that they -- and that suit that they always see as the enemy, a lot of times you become an integral part of the community. You become a friend; you become an advisor or counselor.

There's just endless things that you can do with this approach that you can't do when you're acting in that traditional manner, driving around in a car, waiting for a radio
call, or perhaps just waiting for somebody that you think needs to be dealt with, as they call it, "jacking up".

It's a different system, community policing. It's hard to define. It's from community to community. It takes a lot of flexibility. You have to know exactly the specific problems in your neighborhood. You have to identify those things. And you have to stay there, and you have to deal with them. You just can't come and go. You're part of the program. You accept them and they have to accept you or it doesn't work. We take one step forward, and so do they.

CHAIRMAN TORRES: So, it's your feeling that the better the law enforcement operation knows a particular community, the less threatening those members of that community might be to law enforcement, and vice-versa?

MR. KEYFAUVER: I can specifically say that I started working at the Housing Authority Police in 1984. I participated in the traditional types of policing that we're all used to. I was an offender of abusive behavior when I first started. I was part of it. It's something that we learned.

I left this department for three years. I came back. Things weren't the same to me, and I thought, well, unless I can participate in some other system of law enforcement, because this is useless to me, I would have to leave. And somebody threw this community policing training program in front of my face, and it seemed to open up a lot of doors.

CHAIRMAN TORRES: How many years have you been here in Ramona Gardens?
MR. KEYFAUVER: Specifically assigned as a Development Resource Officer with the community policing program that we're talking about, just a little under two years.

CHAIRMAN TORRES: You weren't on duty that evening?
MR. KEYFAUVER: Yes.

CHAIRMAN TORRES: You were on duty that night?
MR. KEYFAUVER: I was on duty.

CHAIRMAN TORRES: Were you near the scene?
MR. KEYFAUVER: Yes. Not the shooting scene, but I was on the outer perimeter of the project.

CHAIRMAN TORRES: Senator Presley.

SENATOR PRESLEY: Did you say you were formerly with LAPD?

MR. KEYFAUVER: No, sir.

SENATOR PRESLEY: L.A. Sheriff?
MR. KEYFAUVER: No, sir.

SENATOR PRESLEY: Who?

MR. KEYFAUVER: I didn't say I was formerly with anybody except the Housing Authority Police Department.

SENATOR PRESLEY: I thought you said that you'd been in some organization where abuse seemed to be the standard and you were part of it, left three years and came back.

MR. KEYFAUVER: I started at the Housing Authority in 1984, and I worked there until 1986. I left for three years law enforcement altogether. I came back to the Housing Authority Police in June of 1989.

SENATOR PRESLEY: So the whole time has been with the
MR. KEYFAUVER: I had a short stint at the Orange Police Department, City of Orange in Orange County, about a six-week period, where I lateraled over, and I came back to the Housing Authority.

SENATOR PRESLEY: Do you have jurisdiction for all kinds of crimes? If you had a homicide, does the Housing Authority handle that?

MR. KEYFAUVER: No, unfortunately, we don't. That's handled by the Los Angeles Police Department.

SENATOR PRESLEY: Why is it unfortunate?

MR. KEYFAUVER: Because I would like to do that.

SENATOR PRESLEY: Why don't you?

MR. KEYFAUVER: Because we're not allowed to.

SENATOR PRESLEY: Why not?

MR. KEYFAUVER: There are certain charters in the City and orders through the City that dictate what other police departments can and cannot do.

SENATOR PRESLEY: Your jurisdiction is defined?

MR. KEYFAUVER: Jurisdiction is defined in the City of Los Angeles by the City of Los Angeles.

SENATOR PRESLEY: And is the Housing Authority part of the City?

MR. KEYFAUVER: No, it's not. It's a separate entity

SENATOR PRESLEY: Who pays --

MR. KEYFAUVER: The money comes from HUD, I believe.

SENATOR PRESLEY: Federal?
MR. KEYFAUVER: Well, not federal employees. It becomes privatized, I believe, when it reaches the City of Los Angeles Housing.

SENATOR PRESLEY: So, it sounds like, in a legal sense, the LAPD has jurisdiction here.

MR. KEYFAUVER: I would guess you could say that, yes.

SENATOR PRESLEY: And legally, the sheriff could probably have jurisdiction here?

MR. KEYFAUVER: I could see that they would probably have a lot of legitimate reasons to come in.

SENATOR PRESLEY: I'm talking about legal jurisdiction.

MR. KEYFAUVER: Yeah, they do. We all have legal jurisdiction. If we're in the City or County, somehow, we're going to be involved in different parts of the area, even if it's not directly in our jurisdiction. I find myself outside of the housing project doing police work.

In the State of California, we're a peace officer.

SENATOR PRESLEY: Thank you.

CHAIRMAN TORRES: Thank you very much.

Ms. Papa.

MS. PAPA: My name is Sharon Papa. I am the Chief of Police at RTD, the Transit Police Department.

Our officers also are in this community as well as all of the communities that are RTD served.

RTD is very customer service oriented as is our
Police Department. Our officers number approximately 190 at this point, and we are currently expanding the Department.

Our efforts have been focused on representing the communities. We've been targeting a lot of our recruiting efforts to represent the communities that we police.

I don't really have a further statement, other than to answer whatever questions you may have.

CHAIRMAN TORRES: Senator Presley has led the effort in the Legislature as a former law enforcement official with respect to recruitment and training. I'm sure he'd like to hear what your feelings are on that subject matter.

MS. PAPA: Recruiting, we've taken a real personal approach to recruiting. We -- I personally interview every single candidate that we hire. I have that luxury, again, because our Department numbers 200.

The officers that we look for have to have good interpersonal skills, lots of people skills. We tend to recruit in nontraditional jobs fairs. We don't focus strictly on law enforcement job fairs. We have participated in health -- the health program, when they're looking for medical assistants, the EMTs, we've gone down there and recruited alongside. We've recruited at community colleges. We're trying to get out into nontraditional types of atmospheres for law enforcement to recruit.

We have targeted the area of East Los Angeles. We have been successful in bringing our Hispanic officer head count up to 32 percent of the Department, and we're very proud of
that. That took a lot of effort.

We're also working in the Black community in South Central L.A. to target those people.

If you go into the communities, explain that -- what they can do to make themselves a marketable candidate, a lot of them who may not be eligible right now can do things to make themselves more marketable a year down the road. We've been very successful in those efforts.

SENATOR PRESLEY: Do you do background investigations?

MS. PAPA: We do complete background checks. We are a POST-certified agency.

SENATOR PRESLEY: Do you do psychological testing?

MS. PAPA: Yes, we do. Our psychological profiling is also geared for a customer service oriented officer. The officer has to be able to be a part of the transportation company, so our philosophies are basically customer service oriented.

SENATOR PRESLEY: Are your officers armed?

MS. PAPA: Yes, they are.

SENATOR PRESLEY: They have full powers of arrest?

MS. PAPA: Yes, they do. Our primary mission is to protect the employees and passengers, patrons, of the Transit District, but they are state-certified police officers and can take action on emergency situations.

SENATOR PRESLEY: So, your jurisdiction is on the bus or in the yards?
MS. PAPA: At the bus stops, anywhere the buses go.

SENATOR PRESLEY: Have you had any problems with excessive force or abuse?

MS. PAPA: We have had -- in the history of -- the Department has been in existence approximately 14 years. There has been five on duty shootings in the history of the Department, and brutality complaints average three to five per year.

SENATOR PRESLEY: Were the shootings justified?

MS. PAPA: Yes, they were.

SENATOR PRESLEY: All five?

MS. PAPA: Yes.

SENATOR PRESLEY: And the other acts, were any of them criminally prosecuted?

MS. PAPA: No, none of them.

SENATOR PRESLEY: Did you say you have about 200?

MS. PAPA: That's correct.

SENATOR PRESLEY: I guess it's a lot easier for 200 than for 8,000.

MS. PAPA: You can do much more personal approach when you've got that many officers.

SENATOR PRESLEY: Thank you very much.

CHAIRMAN TORRES: Did you participate in the Christopher Commission to make recommendations regarding the techniques that you use in recruitment and training?

MS. PAPA: No, I did not.

CHAIRMAN TORRES: Do you plan to make recommendations
to the County of Los Angeles regarding your recruitment and training techniques?

MS. PAPA: We weren't going to make formal recommendations. I've been talking to the RTD Board of Directors, of which Councilman Alatorres is a member of that.

SENATOR PRESLEY: Percentage-wise, you said you had five shootings?

MS. PAPA: That's correct.

SENATOR PRESLEY: Two hundred officers. Percentage-wise, say, compared with the LAPD or Sheriff, how would that rate? Do you have any idea?

MS. PAPA: I honestly don't know what the percentage would be.

CHAIRMAN TORRES: Thank you very much.

Mr. Ramon Montijo, do you want to add anything to what's been said already?

MR. MONTIJO: No, sir. I don't have any prepared statement. I'd be willing to answer any questions you have.

CHAIRMAN TORRES: Do you agree with Mr. Keyfauver that we need to have different approaches in terms of law enforcement here in Ramona Gardens?

MR. MONTIJO: Yes, sir.

CHAIRMAN TORRES: What kind of approaches would you recommend to the committee?

MR. MONTIJO: Probably more of a personal nature, like my partner stated earlier. Like my partner stated earlier, we become part of the community. It's something that I've done
for many, many years. It's a philosophy I've always held, treat them the way I would want to be treated if I was in their shoes. In 20-some years of law enforcement, I haven't been wrong in that respect.

I believe law enforcement is taking a beating. Law enforcement has to change, more orientated [sic], not them against us, but being part of a community, whether we're out on the street, whether we're in the projects, whether we're in downtown Los Angeles or any other city.

CHAIRMAN TORRES: What needs to change? I grew up in Boyle Heights and East L.A., and things haven't changed that much in respect to this issue. It's gotten worse.

What specific recommendations would you bring forward that might make a difference, that might change?

MR. MONTIJO: Possibly training officers to be a little more sensitive to the community and to the people they serve. We are a service orientated [sic] organization, and we should try to follow those rules that we are here to serve the public. The public is not here to serve us.

CHAIRMAN TORRES: Do you think that's possible?

MR. MONTIJO: Anything is possible, sir. It's difficult, but it is possible.

One of the biggest problems is attitude. We have to change our attitude.

CHAIRMAN TORRES: We've been trying to change attitudes for a long time. I think it's going to take more than just changing attitudes. I think it's going to be along the
Do you agree with that?

MR. MONTIJO: Yes, but also it's society has changed so much that it's -- it's very, very difficult to find the prime candidate for law enforcement, male or female.

I remember years ago one of the things -- one of the questions we were asked: Have you ever taken any dope, any narcotics? Of course, that was a negative.

Nowadays they ask you: How often have you participated in smoking or taking any type of drugs.

Our society has changed, and it's very difficult. How do you change that? Training, education, the family unit have gone down the tubes. We don't have any more family unity. We don't have any more religions. We just don't participate in those things.

As I say, society is the big factor. That has to be changed. We have to teach society again. We have to teach ourselves. And maybe in that respect we can find those recruits.

CHAIRMAN TORRES: How many years have you served here in Ramona Gardens?

MR. MONTIJO: I've been working with Kent here now for about a year, a little over a year, in and out in the last eight years with the Housing Authority. Quite a few years in
and out.

CHAIRMAN TORRES: Thank you very much.

Carol Watson, Antonio Rodriguez, Raul Ayala, Virginia Reid, Ben Benvenides.

We're going to give the court reporter just a few minutes to rest your fast fingers.

[Thereupon a brief recess was taken.]

CHAIRMAN TORRES: Come back to order.

Ms. Carol Watson, Attorney. I know you have to leave, and Mr. Benvenides has to leave as well, so we'll get you out of here.

MS. WATSON: Thank you very much.

I'm the President of the Los Angeles Chapter of the National Lawyers Guild, and I appear here today on their behalf and on behalf of the Southern California Coalition for Civil Rights.

I would like to echo the requests that have been made for an independent commission to review the practices of the Sheriff's Department. I think Sheriff Block's appointment of a commission, hand-picked, shows his disdain for the community, for the community's opinion, and I think that it's a sham and an effort to further cover up the misconduct that is prevalent in his department.

I would like to suggest some remedies that should be dealt with on state level. I think that it is very necessary to appoint a special prosecutor to prosecute police crimes. The district attorneys, not only in this county but statewide, have
shown themselves unwilling to prosecute police crimes where the
evidence warrants it. They are dependent upon local police to
bring them their cases, to investigate their cases, to be
witnesses in their cases, and they do not have the independence
that is necessary to prosecute police crimes.

So, legislation that would enact a statute appointing
a special prosecutor to do that job, I think, would go a long
way toward deterring police crime.

Another thing that promotes police misconduct is the
secrecy with which citizen complaints of police misconduct is
shrouded. The Penal Code needs to be amended to eliminate the
secrecy that adheres to police -- to complaints of police
misconduct.

Officers are very confident in their misconduct that
nothing will be done about it, that it will not be discovered,
and that is because there is secrecy. No other profession is
entitled to that kind of secrecy concerning their misdeeds.
Lawyers, in fact, when they engage in misconduct, it is
published in their professional journal.

The citizenry and the community should be able to go
to a source and find out which police officers are the worst.

Another source of information that should be
available to the community and that is not, and that the
Sheriff, in fact, hides from himself are the claims that are
required to be filed by every person who intends to file a
lawsuit under state law. Those claims are a matter of public
record, but in the County of Los Angeles, the Board of
Supervisors enters all information from these claims on a computer, except the name of the deputy. And what that does is makes it virtually impossible, not only for the community to find out how many times an officer has engaged in misconduct, but it protects the Sheriff from that information as well. He can easily say, "I cannot find out how many times this Sheriff has been accused of misconduct," because it's too hard to find the information.

The fact is, years ago, the Sheriff used to have an index by the name of the deputy, and that index was destroyed. I had a captain from the Sheriff's Department on the witness stand who admitted they ordered that index destroyed. That way, no one knows how many claims have been logged against individual deputies.

Those are things that can be dealt with by legislation by the State Legislature, and should be. We need to have some air and some light on this problem.

Thank you.

CHAIRMAN TORRES: Thank you, Ms. Watson.

Mr. Rodriguez.

MR. RODRIGUEZ: Yes, good morning.

Mr. Chairman, honorable members, I thank you for the opportunity to speak today and to present testimony before you, and for the steps you have taken to investigate the killing of Arturo Jimenez at the hands of Los Angeles County Deputy Sheriffs, and the broader aspects of law enforcement's policies, procedures and practices. I hope that as part of your
considerations, your findings and recommendations, you take a serious look at the existence of racism in the ranks of the department, top to bottom. Racism plays a fundamental role in the unequal enforcement of the law, and brutality, and peace officer-involved shootings.

But before I continue, I was just reading that Amnesty International has announced that it will investigate law enforcement in Los Angeles. It is about time. It is time our society accepts the fact that torture is practiced in the United States. That police abuse is our home-grown, our own brand of torture. Unjustified beatings which go beyond the flow in anger, frustrations, or to subdue a person, constitute torture.

In the experience of Mexican people, all the Latinos, African-Americans, beatings usually take place out of: racism; to punish people for style of dress, such as if someone is identified as a gang member because of the dress, whether or not he's one; because of the type of offense people are suspected of having committed; people who demand respect for their rights when they are approached by officers; officers looking for a fight, such as in the Jimenez shooting.

So, in the overwhelming amount of cases, what you're looking at is officers punishing people for being who they are, or for being suspected of having committed a crime. That is torture.

The Rodney King beating was torture. The killing of Jimenez, the killing of Hamilton, were executions. It is a
form of torture. It is time our society accepts the fact that we have it at home rather than somewhere else in the Third World, as we usually like to say, and our President likes to talk about, other regimes having to stop torture.

The other question that I wanted to raise is a civilian review board. I have been an attorney for 18 years, and most of those times I have handled these types of cases. For the last -- and because of fear, because of personal reasons, bodies such as the County Board of Supervisors are afraid to take significant steps to end discrimination, discriminatory enforcement of the law.

We would take significant steps on the road to remedy those ills if state law was enacted to mandate the establishment of local elected civilian review bodies to handle and investigate complaints for misconduct. Such boards would take us far in our efforts to ensure accountability of peace officers to the public. Without such accountability, unjustifiable and highly questionable killings of members of the public by peace officers, brutality and racism will continue unchecked.

But even without civilian review boards, I think I want to add my name to those as a member of the National Lawyers Guild, the Police Malpractice Lawyers, and also the Mexican American Bar Association, I want to add my name to those suggestions that have already been made, which are: end the secrecy of police complaint records, and open up, develop, actually, central indexes in the state, not only on the local level, to make sure that claims, that complaints, that lawsuits
are readily identifiable.

Let me suggest some specific steps. Determine what is the actual procedure -- for example, in Los Angeles County -- established by the Sheriff's Office to investigate citizens' complaints for misconduct and the steps taken to make it available to the public in writing. Section 832.5 of the Penal Code requires law enforcement agencies to establish a procedure to investigate citizens' complaints for misconduct and to make it available to the public in writing.

However, in the case of the Los Angeles County Sheriff's Office, there are numerous complaints by victims of Deputy Sheriff abuse, that they had no knowledge about how to file the complaints, and that when they went to a Sheriff's station, they were refused information about the procedure or the forms to file the complaint, or the desk deputy or sergeant on duty refused to accept their complaint.

This body also should investigate what steps the County Sheriff's Office has instituted to follow the mandates of Section 832.5. This body should consider amending it to establish minimum state law requirements for the procedure to investigate complaints and to make the written procedures available to the public; for example, public service announcements.

And I would like to make my testimony part of the record, and I would like just to also suggest to amend Section 832.7 to expressly allow the presence of a complainant during the proceedings pursuant to a complaint for misconduct.
Complainants are not allowed to be present during interviews of witnesses, and we are not allowed to be present during the interview of the officers.

Amend Section 832.5 to make the actual record of the filing of the complaint a public record.

Enact law to mandate the creation of a state central index of complaints for misconduct, claims for damages and lawsuits.

And finally, mandate the creation of local law enforcement indexes by individual officers to keep records of reports where officers claim offenses against peace officers and when they used violence in effecting an arrest.

There are officers who file inordinate amounts of cases, listing themselves as the victims in cases of interfering with the duties of an officer, resisting arrest, or assault and battery on an officer. The local law enforcement agencies do not keep individualized indexed records of such reports. Because these are usually cases where an officer uses violence against a citizen, maintaining such records would help in identifying officers who become involved too often in using violence against members of the public, and who may have a propensity to use violence against the public. It may be found that officers with a large number of complaints for misconduct also file a high number of these type of cases, whether or not the citizen involved files a complaint.

Thank you very much. I'd like to make this part of the record.
CHAIRMAN TORRES: Thank you very much, Mr. Rodriguez.

Mr. Benvenides.

MR. BENVENIDES: Thank you, Senator Torres and Senator Presley, for coming down to East Los Angeles to hold this hearing. But I hope you carry it further.

I'm the state President of the Mexican American Political Association, and we're an entity that's been around for 33 years. We're a private nonprofit civil rights organization. The oldest volunteer organization of Latino, Mexicano, Chicano, Indio in the United States.

The major problem that we have here, sir, you said it yourself, things aren't going to change as long as the sheriff's departments and the police departments of this world have the power they do, with the police Bill of Rights, Bill of Rights. With their lobbying in Sacramento, it's going to be very, very difficult to change things.

But I think that the people here have to understand one thing. If something's going to change in this world, if something's going to change in East Los Angeles, the people have to do it. And the people will do it. Ya basta!

I'm a migrant worker from Arizona. I remember my grandparents and my grandmothers being forced from the copper mines because they questioned the sheriffs. Who were in the front when they deported our people? The Sheriff's Department. Who was in the front of the Zoot Suit Riot 30-40 years ago? The Sheriff's Department.

We are no longer going to take this type of abuse,
and torture, and the type of things that were enumerated by
Mr. Antonio Rodriguez earlier. We're not going to take it any
more.

I ask for independent study, a research -- a
committee report done, and I mean independent prosecutor. That
is the key here, independent. There's been too much cover-up,
and cover-up is another crime. When the chief, Mr. Block, is
making statements like he has in the past about minorities and
not having independent prosecutors before, what makes you think
that he is going to investigate squarely, fairly, and with
parity this time? No way.

That's why I appreciate you, Senator Torres, to
continue this. If you do develop a law, it must be statewide,
as you probably know, because this is nothing. This pales in
comparison to what's happening in the Salinas Valley, what's
happening in the great valley of the San Joaquin, Fresno.

Currently in Fresno, just two weeks ago, the
Sheriff's Department came out with 20 dogs just two weeks ago
because our people questioned why a rodeo didn't have all the
functions, and they wanted their money back. So that right now
-- Channel 21 can give you the video -- how you can see Gestapo
type tactics of dogs biting our people, and that is ridiculous.

It's also happening in Tulare County, and it's also
happening in any agricultural valley where you have migrant
workers that want to make a living, and we've been so loyal to
the system, and we say no more. Ya basta. That is ridiculous.

I think that now is the time to call not only for a
bill on citizens review boards, but you also should develop a
bill on community-based policing. Community-based policing is
so important that you also include components of training,
recruitment, and the recruitment must reflect the community.

CHAIRMAN TORRES: You're a resident of Fresno?

MR. BENVENIDES: I am a resident of Fresno, but I
travel throughout the state and I see these abuses, sir.

CHAIRMAN TORRES: I just wanted to make the people
know that you speak with personal authority because you live in
that community.

MR. BENVENIDES: Yes, sir.

CHAIRMAN TORRES: We appreciate you coming down from
Fresno to be at this hearing today.

MR. BENVENIDES: Yes, sir.

Most as the state national president in my travels,
again, nothing new, and I also support your statement against
the Boyle Heights days when you were growing up, nothing has
changed, sir. And it's about time that it do.

And nobody's going to do it but nuestra gente. Ya
basta.

CHAIRMAN TORRES: Virginia Reid.

MS. REID: Yes, I am speaking today on behalf of the
Ramona Gardens Justice for Arturo Jimenez Coalition to ask for
statewide legislation that would create an elective Sheriff's
review board with the power to hire, fire and discipline; an
adequate number of members to be elected from supervisory
districts with the power to issue subpoenas, conduct independent
investigations, with independent prosecutors, and recommend
criminal prosecution.

The corruption and breakdown of law enforcement in
California and throughout the U.S. is a reflection of U.S.
corporations, institutions and the government. For instance,
the savings and loan frauds, banks laundering drug money, Iran
Contra-Gate deception, Wall Street insider trading, HUD
kickbacks, the Pentagon's inflated contracts, and Noriega's CIA
collusion are all being acted out by L.A. Sheriffs. They're
stealing drug monies, stealing drugs, stealing senior citizens'
credit cards, setting up drug pushers, and in the case of Ira
Reiner, using jail house snitches for lying under oath to
achieve a high conviction rate from biased judges.

But the most insidious result of this breakdown of
justice and the law is the ruthless and cold-blooded way in
which Mexican and African youths are being hunted down and
killed like wild game by the Sheriffs and the LAPD, to whom any
Black or Brown youth is fair game. The social and economic
genocide of inner city minorities is pushing our young into the
lucrative drug trade. Their nature, human instinct, to band
together for survival and social purposes in this hostile
environment is not seen in that context by society, who labels
them gang members. The perfect target and scapegoat for racist,
out of control Sheriffs.

The need to belong to social groups is inherent in
all humanity. Our youth are no different. Consider the case of
the Sheriff's gangs -- the Vikings, the Cavemen -- who have
banded together to promote White supremacy and racism. A member of the Vikings killed Arturo Jimenez.

In contrast, the Mexican and African gangs have not been formed to promote racial supremacy or to commit violent acts against Whites. The unenlightened public, who only knows they are surrounded by chaos, demand law and order, and the cops comply by going after the minority gang, the nickel-and-dime drug pushers who join the revolving doors to jails and prisons. Billions are being wasted in this cat and mouse game between minorities and the law.

Meanwhile, the corporate drug suppliers and the banks who launder billions in drug monies go unpunished. President Bush, who declared war on Iraq over human rights violations and democracy has yet to condemn law enforcement for violating minorities' human rights in the U.S.

The international community is watching this crisis and breakdown of law and order in America. The Rodney King beating exposed the racism of U.S. cops. The international press has suggested: Perhaps the U.S. needs a citizens' revolt like the one in Russia, where the people demanded the dismantling of the KGB.

As a society breaks down, law enforcement becomes more repressive, especially toward the poor and minorities. The Jews in Germany were a minority, and we know what Hitler did to them.

We believe that an elective civilian review board would be the first step toward restoring equal rights under the
law for the millions of Mexicans and Africans who fear and
distrust the law, Sherman Block, and his deputies. If this
isn't done, America will not have the moral right to call itself
a democracy and the leader of the free world.

Thank you.

CHAIRMAN TORRES: Thank you.

I'd like to call Father Michel Crotty, Helen Herrera.

Please come forward. Soledad Belmontez.

Father, please begin.

REV. CROTTY: Thank you.

My name is Michael Crotty. I'm Associate Pastor at
St. Vincent De Paul Church in South Central Los Angeles. I work
for a primarily immigrant community of Latin Americans.

On the night of August 3rd, Freddy Santana was shot
by two Los Angeles police officers in our neighborhood of 21st
and Toberman. Two witnesses have come forward to me in our
community to say that Freddy was kneeling on the ground with his
hands on his head. None of these witnesses saw Freddy make any
moves that would lead police to kill Freddy in cold blood.

The police allege, however, that he had a starter
pistol and made a gesture towards his waist, leading them to
believe he would shoot. Our witnesses never saw a starter
pistol, nor the threatening gesture. What they saw in Freddy's
possession was a can of spray paint from which he sniffed fumes,
his tape recorder, and a bicycle.

A key witness present that night volunteered to
police the information regarding what he saw. After taking down
his name, phone number on a piece of paper, he watched police
throw the information down on the ground. Several days later,
he had to call them.

Family and witnesses suspect a cover-up. The
policemen involved with the shooting were responsible for a
previous incident in which youths were harassed and beaten.

On Sunday, August 4th, Mrs. Santana, who is here
seated to my right, her relatives and her neighbors came to see
me and told me that Freddy had been shot the previous night.
The witnesses say as many as ten shots were fired and perhaps
more.

We, as a parish community, held a press conference on
August 7th and demanded the following: a meeting with the
southwest area precinct captain and watch commander in order to
raise our concerns regarding the lack of professional
performance by officers Ruiz y Gasca and Joseph De Lorenzo, the
officers involved in the shooting. We had our meeting on the
night of August 23rd and had begun a dialogue.

Secondly, we demanded that officers Ruiz y Gasca and
Joseph De Lorenzo be immediately relieved of duty. They have
not been relieved. They continue to work in another area of the
southwest precinct.

Thirdly, we demanded a full scale investigation into
the shooting of Freddy Santana, and that investigation moves
slowly.

We are very grateful to the Ramona Gardens community
for giving us the opportunity to speak with you.
CHAIRMAN TORRES: Father, what recommendations would you give this subcommittee regarding your experience in that part of Los Angeles?

REV. CROTTY: My recommendation, sir, from my heart is not only that you listen, but that you please act. I'm the one who buries many of these victims. I do not want to bury any police officers, any child, any adult. I'm tired of funerals in our church. It has cost our community so much life, so much pain under the cloud of violence in which we live, sir.

We are tired of this violence, and we do not need for the police to act like a gang. That's the last thing we need.

And now, Mrs. Santana.

[Speaking through the Interpreter, MAURICIO SUAREZ]

MS. SANTANA: My name is Maria Santana. I'm here about the death of my son Freddy Santana. I'm here asking for justice for his death, which was very unfair, because he never carried a weapon.

He was a very pacific young man. He did not do any harm to anyone, as there are witnesses that way. That my son, if he was hurting someone, it was himself. But he was a good citizen of noble heart.

Later, he dedicated himself to preach the words of the Lord. He had a lot of knowledge of the Bible. I have it here with me. He was in church, a Christian church.

He was in the streets for a long time, preaching the word of the Lord, and he has a very good heart. He was telling
the young men -- he was telling the other young men to behave well, not to join gangs. And he would always say he would take many young men to church where he was.

And I want justice for the death of my son. I feel very sad, very bad because of his death. He died very sadly.

After that, he was dragged by the policemen. Like for 80 feet he was pulled. And us, me and my daughter, were taken to the station because the policemen said that. We were both there at the station, and they kept us for two hours. They kept us by ourselves for two hours, with the policemen keeping an eye on us as if we had done something, until 2:00 o'clock in the morning. My aunt came for us. My grandson was crying.

The policemen were not telling us anything. They just said that they had taken us there to deliver us a report about the death of my son. But no one comes to see us. We were by ourselves in the room, just with one policeman who was taking care of us. And they did not let me see my son when he was fallen. I don't know why.

I had to go in and see my son, and they, instead of letting me see my son, they took us, detained, and I don't agree with that, because we did not do anything. They gave us no explanation there at the police station.

CHAIRMAN TORRES: [Remarks in Spanish, untranslated.]

MS. SANTANA: Thank you. It's very difficult.

I believe you're doing what the police in L.A. had to do; they did something else. They're also violating the law.

CHAIRMAN TORRES: Gracias.
Helen Herrera.

MS. HERRERA: My name is Helen Herrera. I'm here on behalf of my sister, the Ortiz family.

I'm sure you've all heard that my nephew was gunned down after being chased by the Sheriff's Department in Artesia. And they said the car was stolen, which it wasn't, we found out, and they shot him.

Our biggest complaint is, the Sheriff's Department didn't do anything to save his life. This is what we, as a family, do not understand. He's 15 years old, and he drowned in his own blood. They had already shot him three times.

There has to be some way that the Sheriff's Department has to stop these shootings. This was a 15 year old boy. He should not have died.

When I went to see him after he was released from the Coroner's Office, his face was not destroyed. The bullet came from here and went out through here. He drowned. All they had to do was turn him around. Instead, they handcuffed him, left him on the ground, and he bled on his own blood -- drowned, excuse me. All they had to do was turn him around, cut his pipe, and he would have lived. All he would have needed was construction in his mouth. That was it.

Why didn't they do this? I mean, something's wrong here.

The P.D., Sheriff, our system is really getting out of hand. What I've heard here, I'm shocked. I never I would hear so many complaints about our system.
I'm a person that, you do wrong, you pay. And I hope to God that these Sheriffs, the way they let my nephew die, they have to pay for this mistake. And every other police of sheriff's department is doing wrong, they have to pay.

If they want us to look up to them, they have to give us the example also, too. Not only us, just because some of our kids have a tendency to dress like gang members, it doesn't mean that they're all bad. There's good in some of them. There's bad in some, and there's good in some; just like in our sheriff's department and our police department.

All I ask is find a way to give us justice so we can be at peace also and have respect for our system. That's all.

CHAIRMAN TORRES: Thank you very much.

Soledad Belmontez.

MR. BELMONTEZ: She's my wife. She doesn't know how to talk well. She'd rather for me to talk.

CHAIRMAN TORRES: Would you rather speak in Spanish?

MR. BELMONTEZ: Whatever happens, whatever comes out.

On behalf of my family and my sisters -- I mean, my daughters, and my nephews, and everything, I thank you for listening to us.

We got two years and three months we lost our son. The Sheriff's Department killed him.

We just come here to show appreciation for you people to hear about it. We want justice be done. I mean, like my son, I mean, he was wearing a brace, and he couldn't even walk without it. But they're telling me that he ran out of the door
and he was going to attack the Sheriff's Department. That's why they shot him ten times, they shot him. Just only one shot would have done it, whatever, you know. But ten times in the face, on his body, or his legs and everywhere.

But all we want to do is have justice. I mean, we don't want these things that happen to us to happen to somebody else. To us, it's been very hard, these past two years, you know. We're just waiting for justice, and I hope whatever we say here --

CHAIRMAN TORRES: Mr. Belmontez, what community do you live in?

MR. BELMONTEZ: We live in San Dimas.

CHAIRMAN TORRES: How old was your son?

MR. BELMONTEZ: He was 23 -- 27 and a half.

Ever since we lost him, nothing has been the same. We cannot have no party, no nothing. Because he was always there, you know. And now, you know, if we threw a little party, and suddenly we know he's not coming home, you know. We turn around, he's not there anymore.

So, we just -- we just want to get justice.

CHAIRMAN TORRES: What happened to the peace officer who shot your son?

MR. BELMONTEZ: They say -- all they do is just change to one -- one police department to the other one. That's what they probably do.

CHAIRMAN TORRES: Did you make a complaint with the Sheriff's Department?
MR. BELMONTEZ: We had something going, you know, but so far, we haven't had no justice done.

CHAIRMAN TORRES: You're not satisfied with the way the Sheriff's Department handled your complaint?

MR. BELMONTEZ: No.

CHAIRMAN TORRES: And you made a formal complaint with the Sheriff's Department?

MR. BELMONTEZ: Well, to me, we've got -- I don't know what to say, but a lawyer is talking. I mean, he's the one who's taking care of everything, you know.

But we came over here without even knowing, just to say our peace. We've been waiting for almost two years, and we haven't heard nothing about what they did to them, or nothing.

CHAIRMAN TORRES: We appreciate you coming here today.

Senora Belmontez.

[Speaking through Interpreter,

MAURICIO SUAREZ.]

MS. BELMONTEZ: My name is Soledad Belmontez.

They killed my son on June the 20th of '89 in San Dimas, California. And there was no reason to have him killed. And they shot him ten times.

And each time I hear that they killed someone else the way my son was killed, I feel very bad and very nervous, because that mother is going to suffer the same way I've been suffering.

Because the policemen knew there was no reason to
kill my son, and they don’t even want to give a report of what happened there. I need the attorney to ask for it for me.

They left him laying down from 8:30 in the evening until 11:30, laying down two steps away from my house, without covering him. And they would not let me go into my house. The police took possession of my house.

And in two years and four months since this has happened, I don’t see that they’re doing anything. Because they are at home, I called the doctor soon after they shot him because the ambulance was not coming. And they would not let the doctor touch the body of my son.

And the name of the officer is Mike Brown. He was an American, not a Mexican. He took my son’s life away, and I believe that that’s just racism. They don’t like us. Because my son has not had a bad record, neither did they find drugs on his body.

All I’m asking for is justice. Because I raised him for 27 and a half years with this foot. To the age of 23 was when I took him in to have this foot fitted, and the only thing that remains for me of him are his photos. And I’m asking for justice.

Thank you.

CHAIRMAN TORRES: Dr. Gloria Romero, Dr. Jaime Regalado.

DR. ROMERO: Good afternoon.

First of all, I want to commend you for bringing together this subcommittee. I think it's a very important
subcommittee, and we look forward to continuing to work with you
to press for many of the issues that have been raised in today's
public hearing.

CHAIRMAN TORRES: You are President of the Hispanic
Advisory Committee to the Los Angeles Police Department?

DR. ROMERO: Right. And I'm also an Assistant
Professor of Psychology at Cal. State L.A.

The first thing that I want to say is that we have
been listening to some very powerful testimony this morning
regarding widespread bigotry and racism within the ranks of
police officers in Los Angeles and statewide.

As a researcher at the University, myself and a
colleague, Dr. Desdemona Cardoza, shortly after the Rodney King
beating, conducted a survey which involved an analysis of
students' attitudes towards law enforcement. We surveyed over
600 students, representative of Latinos, Mexican and Salvadoran
primarily, African Americans, Asian and White. It is the only
study which has ever comprehensively examined students'
attitudes towards law enforcement.

We focused on students, especially at a place like
Cal. State L.A., because if we look at the statistics, if we
look at the cases, if we've listened to the testimony presented
today, it's primarily youth, it's primary working class youth,
it's primarily youth of color who are more likely to have a
negative, indeed, even a lethal confrontation, encounter, with a
police officer.

What did we find? The findings are not very
heartening. Indeed, I have put together a complete report, and I will make this available to you.

First of all, we find a very widespread perception that police officers do discriminate against people they do not like based on skin, national origin, race or creed: 88 percent of African American students felt that police officers discriminate; 70 percent of Asian and Latino students; 67 percent of White students. This is an incredibly high figure. An incredibly high level of distrust in law enforcement today.

And if you cannot expect to be treated equally when you have an encounter with a police officer, this begins to set a stage for some very serious misgivings which may follow.

We asked the students if they thought -- if they were arrested, if they would be treated fairly. Again, the findings are very dismal: 65 percent of the African American students said no. If I am arrested, I will not be treated fairly by a Los Angeles police officer. The figures, while they dropped for the others, are still rather disconsoling: 45 percent of White students said no, I don't expect to be treated fairly; compared to 43 percent of Latino, and 40 percent of Asian student.

These are serious issues which law enforcement and the State Legislature needs to address. I think there are reasons for this, this vast level of distrust. I think if you take a look at it, there's been basically a great concern over violence in our communities, and that includes in the violence in the ranks of law enforcement.

Since 1979, for example, here in Los Angeles County,
there have been 477 deputy-involved shootings: 174 have been fatal, yet there have been -- only in one instance was a officer charged, and he served a short eight months, out of 174 lethal killings. That's an amazing figure.

If we take a look at many of the issues which bring us here today, there's a great concern over shooting by especially sheriffs, but also other LAPD officers. There's a very vague policy with respect to the training of police officers. Under what conditions can a shot be fired?

I reviewed the Los Angeles County Sheriff's Manual on Policies and Procedures as they pertain to shooting. I found very vague language. It basically asserts that a weapon, a gun, is a defensive weapon. But yet, we are seeing the trends over and over, and basically the only justification being given by the officer is, "I thought he had a weapon. I was afraid for my life." And this is a very subjective perception on the part of the officer. It's a very subjective, I would say, excuse.

I think we need to, at the State Legislature, address policies concerning the use of weapons in any type of an encounter. Right now, my analysis of the County Sheriff's Manual -- and also we are going through LAPD shooting reports as well. We're doing a comprehensive study of them -- is that it is very vague. We need more definition.

I think part of the problem, too, following the shooting is the filing of the shooting report. Again, in the student surveys, we asked students about their confidence in how credible police officers were in the filing of their reports:
90 percent of African American students indicated that they believed that police officers make up facts when they file their reports in order to protect themselves from lawsuits; and that furthermore, they do this not only to protect themselves, but to cover-up the corrupt practices of other officers.

This figure of 90 percent is followed by 68 percent of Latinos indicating that they do not believe in the credibility of police reports, followed by 55 percent of White students, and lastly, 54 percent of Asian students. We're still looking at over 50 percent of the participants indicating they do not believe that a police report is credible.

And I think towards this end, we're seeing, especially in the Madera Heights instance in particular, that shooting reports are too vague, once again.

Again, I would encourage the State Legislature, move towards recommendations that were suggested earlier, especially by Samuel Paz, in the questioning, in the filing of evidence involved in shootings. I would advocate that it would be mandatory for shooting rollout teams to go upon the scene immediately, which is not practiced at all times.

I would encourage that the actual form itself be standardized. In the Madera Heights shooting, we found that the officer said something like, "There was a scuffle, and we had to shoot him." And yet, as we began to uncover the evidence, we have found out that not only did they, quote-unquote, "have to shoot him", they shot him nine times, and they shot him, at least apparently from the autopsy report, in the back, while he
was face down. That's not included in the shooting report.

So, I would advocate that the shooting report -- the State Legislature take a look at this, because this is really the first information that we have as we decide to file criminal charges. So, that report right now is entirely too vague; it's misleading. I believe it's one of the primary reasons why none of those 173 other shootings in L.A. County were ever prosecuted. I think we need to give a lot of attention to this issue.

Two other issues that I just want to indicate. Others have spoken to the need for independent civilian review, and again I want to add our support to that. It's necessary. We need that in all localities.

And finally, one other issue that ourselves and the Mexican American Bar Association are very strongly in favor of is that any officer involved in a shooting should automatically be subjected to testing for the presence, the trace, of alcohol, drugs, or narcotics. I think it's a very important point.

The media makes a big thing about traces of substances in victims of shootings, as though there's something wrong with us. And what we would like to see is greater responsibility. We want to see officers subjected to mandatory testing of all substances so that this information can be used as we go forward.

Finally, just the last point is that councils are the creation of state government, and we would like to see, on behalf of the Hispanic Advisory Council of the L.A. Police
Commission, we want to lend support to the formation of an independent commission to fully investigation not only the Arturo Jimenez case, but all of the operations of the Sheriff's Department.

Thank you.

CHAIRMAN TORRES: Dr. Romero, do you feel that the County Board of Supervisors is not the appropriate vehicle to do that, or they are unwilling or unable to do it?

DR. ROMERO: I think they are unwilling. We're going to keep pushing until they do.

I think what we need to do is to keep pushing not only the County Board of Supervisors, but Sherman Block, the State Legislature. We have also contacted the U.S. Commission on Civil Rights to say that all jurisdictions need to be involved in this very timely and important concern.

CHAIRMAN TORRES: Thank you.

Dr. Regalado.

DR. REGALADO: As you know, I'm Dr. Jaime Regalado, the Director of the Pat Brown Institute at Cal. State L.A.

The Pat Brown Institute -- it's not the Jerry Brown Institute, by the way, it's the Pat Brown Institute --

CHAIRMAN TORRES: We know the difference.

DR. REGALADO: Not everybody does, unfortunately. But it's interested in providing various venues, research venues as well as open forums, on cutting edge issues that are affecting California's political subdivisions in regions like Southern California.
One of the concerns that we have as a research institute on a campus like Cal. State L.A. is that governments basically speak to and represent all of its various citizens and noncitizens alike. So, we're very concerned with governance, but we're also concerned with community well being. And there we see a great divide oftentimes when we're referencing law enforcement agencies, particularly in Southern California, and as well as Latino communities, as well as African American communities as well.

As several of the speakers have testified here today, this nothing new. The Jimenez tragedy, the Hamilton tragedy, associated tragedies that we've been discussing, are quite old, as a matter of fact, if you go back 40 and 50 years in terms of the history of Latino communities and African American communities and their relationship with law enforcement agencies. Much of this is documented. Colleagues of mine up and down the state at different universities -- Barerra in 1972, Rudy Acuna at Cal. State Northridge in the 1970s, several other scholars more recently in the mid and late 1980s -- have documented infringements on democratic rights, what should be democratic rights, of people living in barrios and the ghettos in Los Angeles on the part of law enforcement agencies.

It's quite ironic to me that, while the West basically is celebrating the dismantlement of the KGB and associated police and internal surveillance organizations in the Soviet Union, with labels like they've been very suspicious, clandestine, secretive, and oppressive, we've heard those same
cries and refrains in Latino as well as African American communities for the past 40 and 50 years.

Now, any notion of democracy and democratic rights, and we've been hearing a lot about that in terms of the breaking out for freedom in Eastern Europe, underscores in a community a people must have the right to be represented, must have the rights of access to political bodies, and must be assured their accountability linkages in place.

Well, the Latino community has struggled long and hard in Southern California to attain the kind of political representation that coalition politics, eventually resulting in the passage of voting rights legislation in the mid 1950s, has made possible. That representation on the City Council, the County Board of Supervisors at long last, has made direct access more possible, too, on the part of communities of color, most specifically Latino communities.

However, with respect to accountability of linkages with law enforcement agencies, they still do not exist. And so, we still have secretive, rather clandestine organizations that do not have to pass accountability muster in communities of color. And all of us are very, very concerned with that.

So, democratic rights, the struggle is still on for them in communities of color, but until we have accountability built into the structures -- and I'm very thankful, I think all of us are very thankful, irrespective of what side that we're on, for this committee's investigation, and we're talking on the part of the State Senate. And hopefully, something will come
out of that that will breech this wide divide and lack of accountability of law enforcement practices in our communities of color.

CHAIRMAN TORRES: Thank you, Doctor.

Our last panel of witnesses are: Manuel Avila, UNO; Carol Heppe, Police Watch; John Brown, Executive Director of Los Angeles Centers for Alcohol and Drug Abuse; and Dolores Travez, Committee for Justice and a Civilian Police Review Board.

MS. HEPPE: My name is Carol Heppe, and I'm the Director of the Police Watch, formerly known as the Police Misconduct Lawyer Referral Service.

For over ten years we've been counseling victims of police abuse in our communities, and I just want to share some recent statistics with you about the Sheriff's Department.

Last year, we received 508 complaints against the Sheriff's Department, and in the first seven months of this year, we've already received 482. So, as you can see, there is an increasing problem of police misconduct in our communities. And we definitely will be surpassing the number of complaints we received last year.

The complaints that we receive range anywhere from verbal abuse to brutal beatings and deaths by police officers' guns or other means. Most police abuse victims who come to our office come from poor and working class neighborhoods. Statistics kept in our office show that 85 percent meet federal poverty guidelines.
Our statistics also show that a disproportionate number of victims of police abuse are males from the African American and Hispanic community, generally in their 20s and early 30s.

It's also important to note that the type of abuse perpetrated against males of African American and Hispanic communities is generally more severe than the injuries suffered by White victims of police misconduct.

One of the consistent problems we hear from victims of police abuse is, within the complaint procedure, when they want to go to the Sheriff's Department or the police department in their community to make out a complaint against an officer, they're definitely dissuaded from filing that complaint. They may be told many, many things other than being kept there to wait. If they don't speak English, they're sent away because there's no one who speaks Spanish or their language in the department who can take their complaint.

The police officer may run their name through a computer, and if there's any outstanding warrants, these complainants may be immediately incarcerated. If -- they're warned that if they are illegally in this country and they file a complaint against an officer, they will -- the police department or the Sheriff's Department will notify the Immigration Services, and they will be deported. And they're also informed that if they file a false statement, that the police officer can sue them in a civil court of law.

This is why we believe that the procedures for
civilian complaints is completely inadequate and weighed against the victim. And that is why we support a civilian review board so that people can go to an unbiased body to make their complaint against an officer.

Further in the complaint process, you have the investigation into the officer. And the investigation generally is done by fellow officers or superior officers. So again, the investigation is weighed against the victim all along the process, because we know of the code of silence. We've heard people talk about the code of silence. You've heard testimony about how the district attorney does not file criminal charges against abusive police, and you've also heard testimony about how the investigations that take place internally within the department tend to find that the victim of the police abuse doesn't have substantial evidence to support that.

So again, we support the contention that independent prosecutors are necessary in our community to prosecute police officers because of the contradiction and the conflict of interest within the district attorney's office, who rely on police officers on a daily basis for their work. And that we need independent civilian review board, and immediately we need an investigation into the Sheriff's Department for excessive use of force and corruption, because a corrupt police department leaves many victims in our communities other than excessive use of force.

We also feel that, as was mentioned by an earlier speaker, that the Board of Supervisors are not willing to do
Therefore, we must go to the state and ask the state to form an independent investigation into the Sheriff's Department if we are to move forward in our community.

We also think that it's important that federal investigations take place on a national level and continue to monitor police misconduct across the country.

That's all I have to say. I'd be glad to answer any questions.

CHAIRMAN TORRES: Thank you.

Mr. Manuel Avila.

[Speaking through the Interpreter,

MAURICIO SUAREZ]

MR. AVILA: Good morning. My name is Manuel Avila, and I represent UNO, the Organization of United Neighborhoods, composed by over 90,000 families in the East and South Los Angeles.

First of all, let me present my most sincere sympathy to the Jimenez family and to the residents of Ramona Gardens, members of this community who have suffered this tragedy.

Among the members of our group exists a great concern for acts of violence committed by the Sheriff's Department. The people in our churches, from where we take the pulse of what's going on in our communities, present to us everyday complaints. They ask us to do something.

We know that there is a commission that investigates these events, but this does not satisfy us. Why doesn't it satisfy us? Because it's a bureaucratic body that's useless for
democracy. Democracy means the voice of the people, the will of the people, the vote of the people, the common people.

Therefore, we need an objective commission capable of separating the good officers from the bad ones. We need a commission, an independent commission, that will answer to the people and not to the person that appointed them.

We know that we need the police. We know that they're also human beings. We believe that it's unfair for the good policemen to be judged together with the ones that do not perform their duties as they should. It's a double crime to put those officers on the street without having the due preparation they have to have and understanding about the multiple cultures that exist in our city. They should have knowledge of the ethnic groups who live in Los Angeles. They should be conscious about their own internal prejudice and be able to resolve situations in which, as individuals, they have prejudices.

They have to have training in human relations to be able to act as professionals. And you might ask me if this can be possible. Yes, it can.

I come from Huntington Park, a city that, not many years ago, had a thing about having a racist police department that discriminated, full of prejudices. Two or three people died in the jails, in the holding tanks, in Huntington Park. Don't ask me for their names, but they were Hispanic or Latinos.

Today we have a new chief of police who is acting very differently to avail the people by itself, reviews the complaints about the officers. He acts through suspensions and
reprimands.

And I'm not going to tell you that Huntington Park is a paradise. I would be a liar, and I would be deceiving myself. But it's much better.

These days we are living in, we are celebrating the independence of Mexico and the independence of other Latin countries, brother countries. Today, September 17, 1991, we want to give our independent yell: economic independence, social independence, political independence, but mostly, the independence of our human rights.

As human beings, we have the right, the dignity and respect. As a parishioner from St. Matthias said, he asked, "Sir, what do you expect from the police department?" And he said, "To be treated as human beings and not as animals."

Mr. Torres, members of this committee, if you only hear the crying of these mothers who have lost their children, if you don't hear the screams of anguish, pain, frustration and rebellion of our communities, if you don't transform these tragic events into something positive and constructive, then, Mr. Torres and members of this committee, what we will have to confront is a time bomb that can explode when we least expect it.

Thank you.

CHAIRMAN TORRES: Thank you.

Dolores Travezo.

MS. TRAVEZO: Thank you, Senators.

My name is Dolores Travezo. I'm a member of the
Committee for Justice and Civilian Police Review Board.

Over ten years ago, a public hearing similar to this one was held before the L.A. Board of Supervisors in response to a wave Sheriff's shootings of people of color. The testimony that was heard was the kind that is all too familiar to those of us here this morning. Representing a number of different community groups, such as the NAACP, the Coalition Against Police Abuse, as well as over 100 individuals, speakers presented dramatic evidence of misconduct and wrongful shootings on the part of Sheriff's Deputies. In addition to this, these community groups made specific recommendations designed to prevent the recurrence of such abuses.

The Board of County Supervisors, which theoretically has the legal and financial power to shape the operations of the Sheriff's Department, chose to ignore these community recommendations. And the Sheriff's Department not only ignored the recommendations, but responded to the community complaints by defending their policies, arguing that they were more than fair, more than adequate, and more than just.

We have those reports, by the way, which we can make available to you.

Now, ten years later, we're in a position to judge the validity of the arguments put forward by the Sheriff's Department in defense of its policies and to determine how best to secure Sheriff's accountability. Let's briefly go through the major points and contentions during the Edleman Hearings, as they were known, and assess the adequacy of the Sheriff's
Department's defense of its policies.

At the time, the community activists recommended that the department revamp its shooting policy in order to provide a much more detailed and specific guideline for the use of deadly force. The Sheriff's Department responded that existing policy provided sufficient safeguards against the shootings of innocent victims. It argued that, quote:

"The shooting policy of this department is reasonable and appropriate."

End quote. Deputies, we were told, are not allowed to shoot misdemeanor suspects, fleeing felons, or fleeing vehicles.

Further, the report continued, quote:

"The department does not prohibit its deputies from shooting when he believes his life or the lives of other innocent people are in jeopardy."

End quote.

Now, in light of the recent events, we can clearly say that this policy is inadequate. We have seen in recent months a series of killings justified simply by invoking this notion of self-defense. The fact that the deputies involved in these shootings would even dare to make this claim shows the complete inadequacy of this policy.

Let's quickly look at the two recent cases. Former mental patient Keith Hamilton from Madera Heights was shot
nine times in the back while laying face down. Similarly, in Artesia, an unarmed 16 year old boy, David Ortiz, was shot, again in the back, while fleeing from police officers.

How could an unarmed 15 year old boy, running in the opposite direction, pose a threat to a team of armed officers? And how can we possibly believe that a different team of officers had to shoot the former mental patient lying face down on the ground in order to defend themselves? I don’t understand this.

It is abundantly clear that the idea of self-defense as defined by the Sheriff’s Department policy allows for almost unrestricted use of deadly force, because any shooting of any suspect can be justified after the fact simply by invoking this notion of self-defense.

But the cornerstone of the Sheriff’s Department’s justification of this policy was its insistence that it could handle civilian complaints and the problems within its own ranks. The last ten years, however, have shown us that this is not true, that the department is incapable of policing its own officers, and that it continues to be unresponsive to community complaints and/or recommendations. Indeed, violence by Sheriffs continues to escalate, as evidenced by the fact that the in the last two years alone, more than 170 Sheriff-involved shootings, as well as an increase of allegations of criminal wrong doing — such as taking money from drug dealers, cross burnings in county jails, the creation of racist hit squads such as the Vikings and
Cavemen, we've heard about them all morning, and the most latest, stealing credit cards from elderly citizens.

Less dramatic, but perhaps even more significant, are the daily practices of brutality which people this morning have documented, and I think you've been given the knowledge, so I can move on to our recommendations.

The question really is for us, how can we make the Sheriffs and other law enforcement agencies accountable to the community? This is what we're trying to address today.

We believe, those of us on the Committee for Justice and a Civilian Police Review Board, that all of the hearings in the world, and all of the recommendations, will not change the departments if the departments are unwilling to change, as they have shown themselves to be in the last decade.

What is required, as many have argued this morning, is an independent body to police the Sheriffs, one that is elected by the people and which will therefore be directly accountable to the people. The elected review board that we're interested in will have an independent staff of investigators and prosecutors with full subpoena power. It will have immediate and unrestricted access to shooting areas so that investigations can be conducted immediately after an officer-involved shooting.

The elected review board will also have the power to discipline and fire officers formally charged with wrongdoing.
Finally, as a way of securing Sheriff's accountability to the community it serves, our review board members will be required to hold community meetings at least one per month in their districts, where they will present reports to the people and listen to the people's views and suggestions.

These are our recommendations, and if you have further questions regarding efforts, we can be contacted out of our Los Angeles office.

Thank you.

CHAIRMAN TORRES: We appreciate your efforts and appreciate the information that you've given us already in terms of Los Angeles. We look forward to working with you.

MS. TRAVEZO: Thank you.

CHAIRMAN TORRES: Our last witness, Mr. John Brown, Executive Director for the Los Angeles Centers for Alcohol and Drug Abuse.

MR. BROWN: I promise not to take more than 20 or 30 minutes, sir. I going to be brief.

CHAIRMAN TORRES: Believe me, you won't.

MR. BROWN: I'm the Executive Director of Los Angeles Centers for Alcohol and Drug Abuse.

About a year ago, we set up a drug-free center here in the Ramona Gardens community. During that year, it's been a lot of work, but we've had a great success. We are currently accepted by the residents. Our services are utilized. The children trust us. They come over to our
center every afternoon and work with our staff.

Many of the ways that we've had this success are lessons that are very relevant to the Sheriff's Department. First and foremost, we have a staff assigned here who are understanding and sensitive to the multicultural make-up of the Ramona Gardens community, the kind of understanding that you can only get from life experiences. They share the ethnicity and culture of the residents of Ramona Gardens, things like mechanisms for ongoing communication with the residents.

The people who live here want a drug-free and crime-free community, and they know how best to get that. And you need to listen to them in order to do a good job.

These kinds of lessons are the most important. Being flexible with your policies. The way we do drug treatment here in Ramona Gardens is not the same as we do it in other parts of the community, because the needs are different here. And we have the ability to let the staff be flexible with the way that they develop services.

The bottom line, the most important thing, is our approach. We have the attitude that we're here to serve the residents of Ramona Gardens. We're here at their invitation. They perceive a need for our services. If they didn't, we wouldn't be here.

Perhaps the Sheriff's Department should re-evaluate their presence here based on how the residents of Ramona Gardens perceive them. They basically don't welcome their
presence in the way that it is right now, and maybe they shouldn't be here.

CHAIRMAN TORRES: Thank you.

MR. BROWN: I just want to give a couple recommendations that are based on the fact that after there was the shooting, many of our staff withdrew and worked individually with the residents here, and they found out a lot of things. Basically, number one, that the -- that there seems to be two things. One, the Sheriff's Deputies lack training and education about what it is to work with the gangs and the problems of the gangs. And they need to have that kind of training, and they need to be evaluated regularly to make sure they're not showing signs of stress that come from being overwhelmed by a problem you don't understand.

Secondly, there's a lot of anger about the confiscation of the video from the resident who was just standing there, taping it.

We recommend, perhaps, state legislation that would protect the right to witness, that would say that people who tape or film an incident, that that information can't be confiscated by officers. Perhaps it can take the information and pass it on to the D.A. the next day and get it.

I think the only way that's going to happen is with legislation.

CHAIRMAN TORRES: I hate to cut you off, but I lose the court reporter in a few minutes. She has to go back to
the Senate in Sacramento. So, would you wrap up.

MR. BROWN: That's it, Senator. If you don't have any questions, just thank you for being here.

CHAIRMAN TORRES: We have one last witness.

Reina, you wanted to make a statement, please.

MS. GALINDO: Yes.

I'd like to say that I don't want our kids to be hurt because the Sheriffs are going to come, and they want to get vindictive. They want to mistreat our children because of what was said here.

I want to them to leave our kids alone.

Reina Galindo, and I'm a resident here.

CHAIRMAN TORRES: This hearing is adjourned. We will meet again in Madera Heights in a few weeks, probably in October, for our second series of hearings. This one will be in the African American community of Southern California.

I want to thank Senator Presley. I want to thank our court reporter, stenographer, our interpreter, Mr. Alan Gordon who's the counsel to the committee.

Also, I thank Diane Gonzalez and Liz Valdez, Mr. Ramon Seguerre, and all of the people here in Ramona Gardens. I want to thank you very much for allowing us to come in and hold this historic hearing.

This is the first hearing that the State Legislature of California has ever conducted on peace officer conduct, and I'm very proud that we've had the support of Senators as well as Senator Presley.
This committee is now adjourned.

[Thereupon this hearing of the Senate Judiciary Subcommittee on Peace Officer Conduct was adjourned at approximately 1:00 P.M.]

--oo0oo--
CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Judiciary Subcommittee on Peace Officer Conduct hearing was reported verbatim in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 1991.

EVELYN J. MIZAK
Shorthand Reporter