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TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Taylorville City Hall Mini-Public Hearing
May 14, 1998
Summary

The Polynesian Advisory Council invited the Client Committee to attend their monthly meeting, and also invited minority community leaders and organizations. Twenty members of the community attended and candidly shared their experiences, concerns and frustrations with the criminal justice system. The following is a summary of the key points and comments discussed during the public meeting.

Client Committee Members present: Haruko Moriyasu, Filia Uipi, Diane Akiyama, Michael Kwan, Carolyn Webber

Other Task Force Members: Judge Tyrone Medley and Dan Maldonado

Task Force Staff: Jennifer Yim and Yvette Diaz (intern)

◆ **OBSERVATIONS OF DISPARATE TREATMENT OF MINORITIES IN THE JUVENILE SYSTEM**

Perception: Polynesian youth in the criminal justice system receive different, harsher, sentences than non-minority youth.

Adult male counselor: "I see Polynesian youth getting different sentencing for the same crime. For example, three youth were involved in an incident. One white boy from Park City received 100 hours of community service, while the Tongan youth was asked to serve 18 months in a youth center, as well as to pay \$83,000 in restitution and give 300 hours of community service. I saw the same differential treatment in another case that involved a shooting incident."

Adult woman from PRC: "May be whites are getting smaller sentences because they get smarter attorneys."

Female court worker: "If our families do not understand court terminology, they will have poor representation in court."

Male attorney: "It could also be that the District Attorneys are giving better deals to whites."

Adult woman from the PRC: "Sentencing procedures are a live example of inequality between minority youth and white youth in the criminal justice system. When sentencing youth for the same crime, rather than diverting or referring minority youth to programs or counseling they are kept at the back end, while white youth are kept at the front end and given a chance. This is what we hear from our Polynesian families and friends who have a kid in the system. Sometimes the Polynesian Resource Center can help advocate for some cases, but this is the exception.

◆ **TREATMENT OF MINORITY YOUTH BY PUBLIC SCHOOLS**

Perception: Some public schools are not allowing minority youth offenders back to school once counseling and restitution have been completed.

Adult male counselor: "About the Granger robberies, a Polynesian youth was involved, he has gone through the programs and counseling, has done everything, but he is being kept out of the school, because the school claims 'he will infect others.'"

Adult male OPA: "The Office of Polynesian Affairs has tried to appeal, but the school would not consider it and told us 'the decision that the Polynesian youth should not return to school was made by the Judge.' Now this youth is at West High, he was ripped from his mother and home and is staying with another family. This is terrible. He paid his dues, but the school is punishing him. It wants more. This school policy puts minority students in a bad situation, which is unfair because they are already handicapped."

Male attorney: "This may be a political issue. May be we need to talk to the school board member in our area."

Adult woman from Ogden: "I understand the school systems' policy of not letting offenders back in. The school wants to be safe for all students, and as a parent I also want safety. When minority youth get in trouble and go through the process of making restitution, I know what to expect of Polynesian youth. I trust them because I know them, but I can not say the same for other minority youth such as Hispanics or African Americans. I am afraid. How can we know if our child will be safe if we allow youth who have broken the law back into the school system?"

Adult male counselor: "As a parole officer I know the process youth have to undertake in order to be eligible to return to school. It is a battle trying to place a child back at school. I need to take others with me, everyone possibly involved, when I go to present the case for review at the school, and there are no guarantees."

Adult male OPA: "The judiciary and the school are both part of the public system. What is unfair is that youth are being punished twice, once by the judiciary and once by the school, for the same crime."

◆ LACK OF CULTURAL SENSITIVITY AND UNDERSTANDING

Perception: Members of the judicial system on every level misinterpret cultural issues and have prejudicial biases that hamper the representation of minorities.

Adult female court worker: "The impression that all minority youth are related in gangs worsens the situation for our youth by speeding up the process. And high case loads make it harder for case workers to take the time to take chances on kids."

Adult woman: "I worry that when people who are not from our background come into our homes to investigate an incident they perceive different things as not safe, when really they are just culturally different."

Adult female PRC: "What kind of diversity training is given to intake workers?"

Adult female court worker: "Training is offered but it is outdated and conflicting. Every day I see cases where probation officers do not take the time to do their job. For example, three brothers were involved in a theft; one was ten years old, another had a clean record, and the other was on probation. The parole officer sent the ten year old home, but wanted to hold the other two. He never questioned the youth. When I gave him the proper information the officer sent the brothers home. The parole officer's conduct was not necessarily driven by racial prejudice, he just did not do his job right. The problem is that often Polynesian families get hurt because they trust the system and do not question it."

Adult male counselor: "DYC does an excellent job in providing diversity training, but they do need to hire more minority workers. I am not familiar with the training of adult probation, but there is a need to expand and educate law enforcement on cultural sensitivity.

Adult male counselor 2: "I work for DYC and have never seen any case workers show signs of racial prejudice. Because DYC does great training, may be it can assist others in their training.

Adult male: "I do not see the racial prejudice. I do not feel that the problems we are talking about tonight have to do so much with race as with lack of education. We need to educate our people about the system and we also need to educate those on the system about us- our culture and our differences. Most of us here are concerned mostly about our kids. I am also concerned about the attitudes of workers in the justice system, specially intake workers, towards our youth. I wonder about their qualifications for their job."

Recommendations of adult female court worker:

"The case workers have their own individual files. If for example they have a bad experience with one Polynesian youth, then next time a Polynesian youth comes up, she will assume it is going to be an unpleasant file, so she will not deal with it adequately. If the case worker has been there for a long time, the supervisors assume she does competent work, and so her work is not reviewed. So if she mistreats a minority client, no one knows about it, and the case falls through the cracks. In my experience, judges try to be as fair as possible, regardless of race, but we need to help our people understand the system and know how to access resources."

◆ **PERCEPTION BY MINORITIES OF NOT BEING ABLE TO ACCESS JUSTICE DUE TO RACIAL BIAS IN THE COMMUNITY**

Perception: Polynesian parents are concerned about what happens once their children interact with law enforcement and the criminal justice system.

Adult woman: "When youth are arrested, when do social workers get involved? Who determines if the child is arrested or taken away?"

Adult woman PRC: "We need help to know how to advocate for our youth. We need to be educated so that we know how to keep out of the system, how to access the resources and how to document any unfair treatment?"

Adult female court worker: "As a court worker, I know that the initial interview of the intake worker determines if the youth even become part of the system. Unfortunately, many case workers are overloaded. Furthermore, minority families do not understand the system, or court terminology, often they will also have poor representation at court, so they are set up to be in the system from the get go. Because the intake system carries so much weight, it needs to be looked at."

Adult male OPA: "It is the Task Force's job to establish this trend. You need to look into and establish means to check the system."

Adult male OPA: "I was scared to move to Utah with my family because I was scared of the racial prejudice and unfair treatment of Polynesians. The problems discussed here tonight were not here in the seventies, and the situation is getting worse. The system is great until it happens to your own kid. I saw my own kid in handcuffs, when he was involved in a school fight. The other kid involved, who initiated the fight, was white, but he was not handcuffed when I walked into the Principal's office. As I talk to other Polynesian parents who have kids in the system they share with me their feelings of desperation and hopelessness. I feel like the system is fed up with Polynesians, they want to put us away at any cost. Some prosecutors will go hard no matter what. I hear of police conducting "no knock warrants" in Polynesian homes and I worry that the situation is not getting better. The Police says that the statistics for gangs is going up, but sometimes I wonder if they are not just increasing the numbers themselves just to get the grant money. I feel many of us are just desperate and hopeless about the situation. As parents we are not just worried but scared, even scared of our own kids. Here we can't discipline our kids as back home, we do not know what will come next."

Adult female PRC: "I share in that frustration. I have a son who suddenly became mentally ill and abusive. It is very difficult to live this in your own home. I asked the police to put him away and get him help, such as ordering anger management, mental health, something, but they kept letting him out without helping him by providing him with treatment. Crime is usually a symptom of other problems. We need to address the other problems as well, it is a comprehensive issue that involves the community as well."

Adult female from Ogden: "We need help for our kids and we also need to let our community know that it is okay to need help."

Recommendations of Adult male counselor:

"The courts should go through a process where decisions about cases are made by all the individuals involved in the case, case workers, in takers, etc. I am very concerned that Polynesians are being treated unfairly. I conducted a survey when I was forming the Polynesian Professionals for Family Preservation and which revealed that our families are immediately referred to DYC instead of DCFS and other services, while white kids have the opportunity to get all the services."

Recommendations of adult woman:

"The case workers and the system should start getting input from people in our community before deciding the fate of one of our youth."

At the end of the meeting Haruko Moriyasu advised those present that the Task Force will review and digest their comments as well as refer their concerns and suggestions to the applicable subcommittees. Filia Uipi thanked everyone for attending and requested to meet with the Polynesian Advisory Council in a few months. The Co-Chair of the Advisory Council thanked the Task Force members for coming and said he felt it was a productive and educational meeting. He is eager to meet with the Task Force again and committed to invite more members from the community to share their experiences.

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Migrant JTPA Public Hearing
July 16, 1998, 6:30 p.m.
Summary

533 26TH Street
 Suite 204
 Ogden, Utah

On July 16th, 1998, Mr. Eulogio Alejandro, director of the Migrant JTPA Program for Farmworkers, sponsored a public hearing for migrant farmworkers and their families in Ogden. About 30 people attended; the meeting was conducted in English with Spanish translation available. The following are some excerpts from the meeting:

Task Force Members Present:

Ms. Paula Carr
 Mr. Joseph Derring
 Mr. James H. Gillespie, Jr.
 Ms. Charlotte L. Miller
 Mr. Phil Uipi
 Judge W. Brent West

Staff:

Ms. Yvette Diaz (intern)
 Ms. Tricia D. Smedley (intern)
 Ms. Jennifer MJ Yim (director)

Issues discussed:

◆ **POLICE ABUSE**

Perception: **Law enforcement abuses its authority when dealing with people of color and treats them poorly.**

JTPA Program for Farm Workers Director:

“A farmworker was coming in from California on his way to Idaho to harvest potatoes, a police officer pulled him over for having an open container in the car, arrested him and confiscated every document that he had: driver’s license, Social Security card, INS card, etc. The next day he just let him go and said, “You have to come to court on this date.” We picked him up. We couldn’t help him because our program only helps legal residents or U.S. Citizens. For a month and a half this man lived “hell on earth” because he had no money, no place to stay, and we couldn’t provide the services. He was able to live only by receiving handouts from the community.”

Male participant:

“We do have cops out there that they wear the badges and they’re treating like the Nazis treated, and we cannot tolerate that.”

Man from Ogden:

“My brother called me up to invite me to a party at his house, so I went over there and he had the biggest band you’ve ever seen. As soon as it got dark, a policeman came onto the property and said, “You turn that goddamn music down,” and he turned the thing off. I asked him what the noise levels were, he said, “Shut your goddamn mouth.” Just about that time seven police cars came in, with dogs and everything else. And I said, “You know what? I begin to see now what they say here in West Ogden: If you’re a Mexican, that’s the way you treat them, with disrespect.” And he handcuffed me, the first time I’ve ever been charged of having a record.”

Female participant:

“[My brother] lived with a white lady for six years, on and off. You know, they’re both alcoholics, they had trouble with their relationship. They got in a fight at her house, and she grabbed a knife, he wrestled the knife away from her, but she threw him downstairs backwards and chipped his elbows and broke his wrists. He ran out of the house. She called the cops and claimed he threw her in the car. He was legally deaf. The cops yelled at him, but he couldn’t hear them. They claimed he didn’t stop, so they hit him with the parole car to stop him. He got injuries in that.

“When they arrested him they charged him with three felonies: aggravated kidnapping, aggravated assault, and evading the police. She was the one that injured him, and she even told me he never hit her, nothing. He ended up with all the broken bones, and everything, and yet they would not let him press charges on her. They took him to jail and refused him medical treatment. They finally took him to Columbia Regional, where they verified all his injuries and then they took him back to jail and had the jail doctor check him, and they said, no, they weren’t broken. He stayed in jail all the rest of April, May, June and in July they finally took him to the hospital. They verified he had broken elbows all that time and chipped wrists.

“When they finally did put the cast on him, they put removable ones. When he was trying to adjust one of them one day, he said the jailer just came in and grabbed them and took them off of him, and he never gave them back to him because he thought he was- he had something—he accused him of trying to stick the silverware or something up his cast. They took that away from him.

“And throughout this time when she knew he was out for a hospital visit, she would call the jail and tell them she thought he was out. She called 911, told them he was pounding on her door, but luckily, he was already in jail so they knew it wasn’t him. But everything she would tell them, they believed.”

Perception: It is more likely that persons of color will be harassed by the police more often than others simply because of appearance.

Young Man:

“I used to work in Harrisville and I couldn’t walk home without at least one or two cops shaking me down and asking me do I got drugs, what am I on. I was going to school and working at night and I found it somewhat humiliating.”

Female Participant:

“My brother was outside with his friends, and the police drive by and they saw this guy---just because one of my

brother's friends was looking at them, they stop, they knock him down, they were almost beating him up. And this boy just had surgery a couple of weeks ago, and they said that he was screaming, telling them to please stop because he was hurt, and they keep kicking him and they take him to jail for no reason, just because he was looking at one of them."

Young Man:

"I have a friend who spent a great deal at Toad Tape and when it got robbed, he was the first suspect. When he was in the cop car with the cop alone, he says, "Why don't you just admit that you did it and make it a lot easier for us. We know you did it. We got you on camera." But they could never prove it- there was no tape, there was no fingerprints. He was black."

Second District Court Employee:

"I have a nephew who just got his driver's license, he was 16. His grandpa bought him a little nice truck that was a low rider. He was not in any gang affiliation, a church member, etc. His mom used to prepare meals for a friend that was very ill, it just so happened that he invited me to go take this food to his mother's friend. We were up in the east side and we were pulled over by an Ogden City police officer. He told us to get out of the vehicle. He put us on the ground and we had done nothing wrong other than we were in that area. I didn't deserve to be thrown on the ground and have the officer step on my back."

Female participant:

"I had a wedding. I have 16 nephews and they're all about the same age, and I wanted a picture of all of them together. I took them all out, lined them up, and the groom. They were waiting to dance and I had all these boys out there lined up. The cops surrounded us. "What gang is this?" I says, "It's a damn family, not a gang." You know can't have a family wedding, a gathering, anything without problems, without them accusing you of being in a gang."

◆ RECOMMENDATION

Female participant:

"The police need to be educated. They need to take classes. You've got a lot of them out there that put their little badge on them like Hitler. We don't want aggressive officers in there, we want officers that represent everybody as a human being."

◆ NEED FOR MINORITY REPRESENTATION IN THE LEGAL SYSTEM

Perception: The treatment of people of color in the legal system could be improved if there are more people of color working for the system.

Male participant:

"The army, the navy, the air force goes into the schools and recruits the young kids to go into the military. Why can't the police officers do the same thing? Why can't they do that? You know what they tell me? "We don't want no Mexicans in our units." "Why?" I ask. They say, "Because they are all related to gang members."

Man from West Ogden:

"We need to hire more cops that are Hispanic and have those cops going to West Ogden were Hispanics live, they need to learn respect."

◆ LAWYER ABUSE

Perception: Lawyers are trusted because of their "expertise" dealing with the system, but more often than not, they are not doing their job and they take advantage of their clients.

Female Participant:

"My brother requested a jury trial and they kept putting it off. He had the Weber County public defender, I spoke with him trying to get his bail reduced, and he didn't even know he was a client. The victim's sister called me after

the first meeting with the prosecutor and his attorney and told him to get him a lawyer because the lawyers in there were laughing and talking about how they're going to hang him. He was going to appear to be on his side just for appearances, but he wasn't going to do anything for him."

Man from Ogden:

"I hired a lawyer who was in the office here at Lincoln Building, you know what he did to me? He says, "Plead guilty or not guilty." Cost me 50 bucks, and I got a record, and he kept my \$350."

Female Participant:

"[My father] was released from prison in 1996 and he was supposed to be on parole and then they put a deportation order against him. I appealed and I spoke to the parole officer and he told me my dad wasn't in parole. In February he was stopped again and he was taken again, the police stopped him for having beer in the car. He did the alcohol test five times because he was not even drunk. He was in jail for four weeks before he even did his plea. That judge-that public lawyer, they forced him to plead guilty. They said, "If you plead guilty, you will only be six months in jail and you will be released." That was a lie. He says that after the hearing, they started laughing at him and they told him, "You're screwed. You have to get your things ready and you're going to prison again." So he's there. He's been there since February. They say that he will not be released until January, but it will be to go back to Mexico because he will be deported."

Female participant:

"His lawyer finally came- [atty name] came into the case and convinced him to plead guilty to one of the charges. "Plead guilty and, you'll get out of jail right now, and you'll probably end up with probation and stuff," they told him. They let him out until sentencing when another incident occurred that put him back in jail. They never heard his side of the story and he is serving zero to five. He's been in prison since September and a parole date of November."

◆ **UNDERSTANDING/COMMUNICATION BARRIERS**

Perception: Most of the problems in the legal system regarding people of color have to do with the lack of communication and understanding between them.

Female Participant:

"I think there's a real problem with communication and I think the police force becomes frustrated because they can't communicate with these individuals and the individuals can't communicate with them, so they become so frustrated that they just basically throw the book at them and write them up for every charge that they can actually think of."

Female Participant:

"Even when they do communicate they don't want to believe. They won't listen to anything any Hispanic person has to say or, they just won't listen to their side of the story. Even when there was no communication problem, they don't want to hear what they have to say."

◆ **PREJUDICE IN CIVIL MATTERS**

Perception: That racism and discrimination exists in the civil legal system is not only a fact, but it is also visible.

Civil Courts Attorney:

"The discrimination in the civil courts is rampant, there is no question about it. It's very difficult to get justice for a minority of any kind in the civil courts. A Korean client of mine was devastated by the way she was treated by rulings in the court. I can tell you that the rulings that came in her case bore no relation to the evidence or the law. But she was powerless, she became convinced that the courts were not there for an Asian client, they were there for the rich, the white."

Civil Courts Attorney:

“I was having lunch with a claims manager from one of the biggest insurance companies in the country and we were discussing a case with a Hispanic client. And this gentlemen told me straight out, “We don’t pay the same money to an Hispanic injured in a wreck. We do not pay the same money because we know that they will not get the same money in a court case.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Park City Public Hearing
July 19, 1998, 8:30 p.m.
Summary

St. Mary’s Catholic Church
 White Pine and Canyon Highway 224
 Park City, Utah 84060

On July 19th, 1998, a public hearing for the Hispanic community of Park City was sponsored by Deacon Reynaldo Q. Merino, from St. Olaf’s Catholic Church, Father Bussen from St. Mary’s Catholic Church, and Carolyn Webber, Park City Resident and Client Committee Member. About 45 people attended; the meeting was conducted in Spanish with English translation. The following is a summary of the meeting:

Task Force Members present:

Mr. H.L. “Pete” Haun
 Judge Tyrone E. Medley
 Ms. Haruko Moriyasu
 Ms. Lorena P. Riffo
 Ms. Carolyn Webber

Staff:

Ms. Yvette D. Diaz (intern)
 Ms. Jennifer MJ Yim (director)

Guests:

Mr. Jesse Gallegos, Utah Department of Corrections
 Ms. Anacelia P. Meyer, Consulate of Mexico
 Mr. Chris Martinez, Image de Utah

Issues discussed:

◆ **LANGUAGE BARRIERS**

Perception: **People of color, whose native language is not English, often find themselves defenseless when dealing with the legal system.**

Female Participant:

“I had a crash. Since I didn’t know the language, the police arrived and they blamed me. The man hit me; he crashed against me. He hit me on the side. They gave me a ticket for not stopping, driving without a license. I had a license from Mexico, and the police said that license is not valid here.”

◆ **UNJUST FELONY/ FORGERY CHARGES**

Perception: **Often the reason why Hispanics have to deal with the system, is due to lack of information on both sides.**

Catholic Priest:

“There are cases in which there were minor infractions, for example, stopping for traffic—one case, driving with a headlight that was out. Another case was a man who was taking pallets from behind one of the stores. Both very minor things, both having had this law applied to them as felonies. I want to say that in all of the cases we reviewed, they were only Hispanics, only undocumented, only Catholic. I believe this practice is an example of discrimination in the law.”

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Interpreter:

“A lot of Hispanics go to court, and they are punished for driving without a license, yet the system makes it impossible for them to get a license.”

◆ **POLICE HARASSMENT**

Perception: **The police seem to perceive Hispanics as a target group when stopping and arresting individuals.**

Male Participant:

“About 17 times that I’ve been into Park City and driving, I look and see who’s pulled over. 16 times it was Hispanics.”

Male Participant:

“Your laws that you have here, which are part of the United States, last time I checked, even though Utah is part of the United States are these law applicable just to the Hispanics, or are they applicable to everyone?”

◆ **RECOMMENDATIONS:**

Male Participant:

“If the Hispanic organizations in the state of Utah are really serious about solving a lot of these problems, let’s take them on from the bottom up. What we need to do, if the Task Force is willing, is to document all of the illegal immigrants. This would lead indoctrination classes, including about the legal system. Let’s take the problem from the bottom up.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Sorenson Center Public Hearing
August 15, 1998, 10:00 a.m.
Summary

Sorenson Multi-Purpose Center
855 West California Avenue
Salt Lake City, Utah

On August 15th, 1998, the Governor’s Offices of Ethnic Affairs, Centro de La Familia de Utah and the Division of Indian Affairs sponsored a public hearing for a multi-ethnic audience at the Sorenson Multi-Purpose Center. About 50 people attended; the meeting was conducted in English with Spanish, Vietnamese, Tongan and Samoan translation. The following are a few excerpts from the meeting:

Task Force Members present:

Mr. Daniel Becker
Mr. David Dominguez

Hon. Glenn K. Iwasaki
Ms. Donna Land-Maldonado
Hon. Tyrone E. Medley
Ms. Haruko T. Moriyasu
Senator Pete Suazo
Justice Michael D. Zimmerman

Subcommittee Members present:

Mr. Bill Afeaki, Juvenile Committee
Ms. Diane Hamilton, Courts Committee

Lt. Phil Kirk, Pre-Adjudication Committee

Mr. Perry Mathews, Community Resources
Committee
Ms. Gwen Springmeyer, Client Committee

Mr. Ken Wallentine, Courts Committee

Staff:

Ms. Sarahi Dehesa-Avelar (intern)
Ms. Yvette D. Diaz (intern)

Ms. Marilee Miller (volunteer)
Ms. Jennifer MJ Yim (director)

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE:**

Perception: Whether it is because of mistakes or an unwillingness on the part of law enforcement to communicate with those people they are trying to serve, they are perceived to abuse their power.

Asian Male participant:

“In Roy almost three years ago, a police officer was summoned to a residence by someone from the neighborhood who made a call. The police officer came into this house and shot a man to death. The neighbor had called 911 because he saw the man chasing his brother around the house and the neighbor thought that they were in a big fight. The police had knocked on the door, jumped into the house and shot him. He was carrying a knife, I understand that, but I knew that he was not intending to harm anybody, and he especially didn’t even see the police officer. And the police officer saw the knife and shouted “Drop the knife.” He didn’t understand [English] at the time, and he was killed.”

Female Participant (Multi-racial):

“I am here as the parent of a young man that was pulled over one evening in April of last year. I married an African-American male and my children look 100 percent African American. When I walk into a room to present myself, people are usually shocked and say, “Are they adopted?” “No they’re not.” My son was called out of bed at 3:00 a.m. by a friend that was drunk, and needed a ride to pick up his girlfriend. On the way to pick up the friend, over on California Avenue at 3:30 a.m., they were pulled over by an officer who put his light on them and asked him to put his hands outside the car. At that time, there were three other [police] cars that pulled up. The window was broken on the driver’s side of the car, so they were unable to get their hands out. The officers had their guns drawn when they approached. They did get them out of the car and handcuffed them immediately, at gun point.

“They asked why they were being pulled over, and were told nothing at this point. My son’s shirt was pulled off to identify his tattoos. He was told to walk back to the police car. As he knew that there was a mirror (on the car), he turned because he was afraid to hit it. Consequently, he was pulled by his hair, thrown under the car, and billy-clubbed for turning. He asked for medical assistance at that time because he felt that his ribs had been broken. The comment was made that “This is not California, this is not the Rodney King case.”

“He was transported to jail. They also broke his friend’s hand when they got him into custody, knowing that he was wearing a sweater that said, “Golden Glove,” which clearly stated that he was a boxer. He stated to them that he was going to be in a tournament and they broke his hand anyway. He didn’t make the tournament.

“They released him. We went through several different court appearances concerning this. He was arrested three different times on warrants because of the justice system making mistakes in his appearances, and they were changing descriptions, so he was arrested three times on the same thing. Finally we made it to a trial and when they saw that I was the parent of this young man, suddenly the prosecution wanted to strike a deal [since I don’t look African American]. We stepped outside and he said, “Let’s strike a deal. We’ll never do this to you again.

“The purpose of the pull over was because there had been a drive-by shooting that was never identified. At 3:30 in the morning, I don’t know about you, but I don’t see very well. So what was it? that “There’s three African-

American males in an automobile, and let's pull them over and see what's going on," or can you see a suspect in a car that happens to meet the description of the drive-by vehicle, and you say, "That looks like a suspect, let's pull them over. Let's handcuff them. We have no minority officers present. Let's beat them. Let's mention Rodney King.

"My son is African American. I would have to say, "If that's they way you treat my son, what are you doing to yours?" I have to question what is happening to the minority youth, when the police officers are telling us that they are to serve and protect. That is not serving and protecting."

Perception: Officers are quick to judgment when they deal with people of color.

Hispanic Male participant:

"When we say discrimination, I know discrimination. I've been arrested working the truck as a mechanic, for owning my own business. I was arrested because I happened to be in the wrong place at the wrong time, working to support my family at 3:00 in the morning. I've got my own business now, and I have got it in a little dead-end street. When it's 3:00 in the morning and when they see me with a cell phone on a dark street with a dead end, I can see that I've been discriminated, but I can see that officer is trying to protect my business, even if he didn't believe that I own that business."

African-American Male participant:

"The first time I have a problem was when my friend who is white and his mom had to drive his uncle back to Provo and I went with them. On the way back from Provo, I was sitting in the back and his mom was driving. Right before she got to the freeway, a police officer stopped the van and once he got to the van, he asked her to see her identification. She was not speeding and she's white too. And she asked the official, "Well, what's the problem?" He said, "Ma'am step out of the car." And she stepped out and he took her to the back of the van and asked her if she's been kidnaped. And then she said, "Where would you get that? Where would you get that?" He says, "Well, there is a black man in the back of the van." She says, "Well, he's a friend, my son's friend, how could you do that?" He says, "Well, ma'am, those people are trouble. We have to make sure that you are safe," he's doing his job. Do you know how I felt sitting in the back of the van?"

Anglo Female participant:

"When we go out on vacation, we go outside Salt Lake and we are leaving town, 95 percent of the time, a Utah Highway Patrolman shows up. The policeman will follow us for a while. It's pretty much every time, we can guarantee they'll be right there to make sure, that this white woman with a black guy and those kids are okay and safe."

African American Male Participant:

"I was in downtown Salt Lake City. I didn't have a car and I was waiting for the bus, where two police cars, you know, like block this street both ways on State Street, and one police car drove back to the bus stop, and they all pulled guns on me. Say, "What's going on?" And they asked me to go on my knee and in swear language I don't care to repeat here. And I got on my knee, put my hands behind my head, and they asked me for ID. And I said, "Okay. I have to reach for my ID. It's in my pocket. And I pull the ID slowly because I didn't want to get shot and I give it to them. And they come and say, "Well, it's not you. You meet the description," like always."

Polynesian Female Participant:

"Our family was in Willard Bay, and there was a large group of Tongans there having fun at the park. This shouldn't have concerned the forest rangers, but they were there with their guns drawn on these people as they were making loud noises; that is, singing. They were actually doing skits about religious things, and just having fun together. It was very frightening to a lot of people, even before we got there. We were parked at the north end of Willard Bay and we went into the south end. The end story was they got a hold of the person in control to talk to them and find out what was really going on. He left with bags full of food, very happy, and just can't say enough about this group of supposedly terrible people. I think it's a shame."

Hispanic Male Participant:

"The kids, the Youth Correction kids, the ethnic kids, have a perception that they are going to be picked up, they're going to be stopped, they're going to be harassed. Oftentimes they felt like, "I'm not doing anything. I'm driving down the street and I'm minding my own business, and I get stopped. My car gets impounded. I have to go through days

of hassle of trying to get it out. I lose work. I'm already at risk because I'm a Youth Corrections kid and I've had problems, and so now I have to take time off from work to go get my car out from the impound lot, and my boss is thinking I'm sluffing."

Perception: Filing an Internal Affairs complaint with law enforcement does nothing to solve problems of police abuse.

African American Male Participant (handicapped):

"I had parked in a handicapped stall in West Valley, we were going to a T-shirt shop but we had pulled in front of the liquor store. There was a policeman that was in plain clothes working inside the liquor store and he had seen us. He came out and asked us to move. I am telling him that I'm in a wheelchair, that I can park there, and he was telling me to get out of my car. Now, I cannot get out of my car, and I have a wheelchair in the back seat. Yet, he opened my door and he grabbed my arm, and it's only because my brother was holding onto the other side of my body and my shirt that he didn't take me out. I have taken this complaint to West Valley, I had to go to InstaCare and get an arm sling. I wanted them to pay just the bill; I would have been happy for that. But they wouldn't. They sent me a letter without contacting me, saying they had done an investigation, and they came to the conclusion that the police officer had done nothing wrong."

African American Male Participant:

"I've never been in jail, never been in prison, and many times the police stop me on the street. I had one that I decided to report to the police department because the police officer stopped me and he told me that I was speeding when I was not. The officer said, "I had to chase you." I was barely going like 30 miles an hour in a 40 miles an hour zone. And then he was reaching for his gun because I questioned him. But I had my cell phone and I called 911, and they told me to call the West Valley Police Department. I didn't want this to go any further. I was able to get on the phone with his boss and his boss said to me, "Wait right there. I'm coming." When the officer realized that I was on the phone with his boss, he decided to write a ticket very quick and then threw it through a window and then he left. The ticket said that I was speeding 52 in a 40 miles per hour zone. Then, I went to the station to talk with his boss. And I was able to file a report with Internal Affairs, and then months later, I didn't hear from them."

Anglo Female Participant:

"Internal Affairs did not let my husband make a copy of what he filled out for the Internal Affairs or the harassment charge. So a few weeks following, I called up and asked what was happening, what the situation was and the sergeant, or whoever was in charge, said, "Well we have a meeting coming up with some local citizens. We'll get you a response within a week or two." But we didn't get a response. We waited and called about a month and a half after the act, and they told us that they would get on it and check into it. So about a month and a half after filing a charge with Internal Affairs, he got a response letter that said something different than my husband had described. And I called and asked and he said, "Well, I think you must have a racial problem. Those are white officers. I think you might have a racial problem." The response letter said that after an in-depth review, the review court was convinced that our complaint was unfounded because the actual facts were different from what was originally assumed. That's the response we got and we're very angry. We wouldn't probably go through Internal Affairs again. I was never called as a witness or asked for an interview, or ever have an investigation."

◆ DIFFERENTIAL TREATMENT BASED ON RACE/COLOR

Perception: There is a clear difference in the way Caucasians and people of color are being treated when going through the legal system.

Polynesian Female Participant:

"When our Polynesian kids usually commit a crime, they are put straight into the system, instead of any kind of a front-end kind of service being provided for them. When a white kid would do the same crime as a Polynesian kid, he is sent home or given a lesser sentence."

Asian Male participant:

"Last year, a 21-year-old half Vietnamese, half American, was put in jail for 30 days for issuing a bad check. After

he spent seven days in the jail, an inmate asked to have to take him to the hospital, take four or two days off. The judge released him. After they released him, he was driving his vehicle on North Temple and 19th East. A fellow, a Caucasian, from the parking lot ran out and hit him on the side. But the police officer arrived and cited him for "improper lookout." He brought the ticket to me, but before I could make any move, he committed suicide, he hanged himself. He felt that he was treated so unfair."

Hispanic Female Participant:

"This happened about a week and a half ago, and this was at the courtroom, filling out some documents. I left for a second to go out to put money in the meter, and when I came back, somebody was asking [my client] what she did for a living, and she didn't understand. She didn't speak English, so then they took the papers. I didn't get to see them or anything, but when they came back, I was looking for her and she was notified that she was employed right now, that she was a janitor. I asked her if she had told them she was a janitor. She says, "I don't know what they were saying." So I went to this lady and I told her that my client didn't work, and she says, "I thought she did that because they all do, they're all janitors." So my clients are already victims of a crime and then I take them to who are going to help them, and they are being victimized in a different way."

◆ LACK OF LEGAL REPRESENTATION

Perception: Problems with the quality of appointed counsel has a negative impact on people of color.

Polynesian Male Participant Polynesian:

"We are really handicapped by being of color, and then the public defender's office, I think the perception out here in the ethnic community is that we do not get quality legal representation, and without legal representation, we don't have a chance."

Hispanic Male participant:

"In Ogden we have a problem with the legal system. We asked them if they had any Hispanic defenders there. They told us "No." We also asked them about the receptionists, if they were Hispanic. They said "No." So we asked them, "Well how do you handle all these court cases if you don't have any Hispanics in the system?" They never gave us an answer. All they told us is, "We will-- you send us a list of Hispanic lawyers and we will put them into the system." They also told us they would hire a Spanish receptionist. We have not heard nothing from them."

Hispanic Male Participant:

"I found that attorneys, the public defenders, go in with the minuscule amount of preparation. They are more readily willing and able to plea bargains, and for immigrants plea bargains can really hurt them. And I understand that a plea bargain to a first-degree from a third-degree felony can really jeopardize one's immigratory status here in the states."

Native American Female Interpreter:

"At one point I was asked to interpret at the jail. The defendant had a big sore on his leg which was creating some problems for him. He tried to talk to the defense attorney about his medical problems. The defense attorney says, "That's not part of what we're going to discuss right now. That's not my problem." I felt that this was wrong. This individual had said that because the Navajo do not have any other place to go for medical attention. So the individual sat in jail and I think he had to be there for another month."

Asian Male Participant:

"This case involves a Vietnamese defendant and a Cambodian victim. During the closing segments, the prosecutor-- I don't know where he learned it from-- raised the problem that exists between the Cambodian and the Vietnamese back two centuries ago. He said that the Vietnamese always hate the Cambodians. That's totally irrelevant to the closing statement. After hearing that statement from the prosecutor, the defendant was sentenced to five to 15 years in jail. I'm not in a position to defend him, he's guilty and he deserves it, but the thing that makes me frustrated is the comments from the prosecutor. They had nothing to do with the crime. Even to myself, I am Vietnamese, I didn't know exactly what happened two centuries ago between my ancestors with the Cambodian ancestors, and he knew

better than myself. That was reckless.”

Native American Female Interpreter:

“I had reported to the court at one point, (this was three years ago), and the defense attorney says, “What are you doing here? We were doing fine without you.” But it was obvious that this Navajo man could not speak. It was a food stamp case. This Navajo could not relay the message he was really wanting the judge to hear. I had to tell the individual that my position was to be there on behalf of the court, not on behalf of the legal defenders.”

◆ COURT INTERPRETERS

Perception: Court interpreters are perceived not to be “bicultural.” Also, others in the legal system don’t make use of certified interpreters.

Hispanic Male participant:

“There are a lot of defenders that have the perception that their court interpreters are just, for the most part, returned missionaries; that is, the legal system in Utah is set so that returned missionaries will always get that job before they find their place in the community and they find legitimate jobs. So that’s part of the perception.”

Hispanic Male Participant:

“The interpreters that you have in the legal system are not bicultured, and that is a problem. These interpreters do not give correct interpretation of what they tell the defendant or what they get from the defender.”

Anglo Male Participant:

“Our interpreters in the Eighth District Court are generally police officers. There’s a guy that got out of jail and all he wanted to do is get his truck back. The interpreter was a returned missionary who knew the word for “fine,” for “jail,” for “arrest,” for “appearance,” but all the guy wanted was his truck back. The interpreter didn’t know the words to tell the man how to get his car back.”

◆ LANGUAGE BARRIERS

Perception: Because there is a language barrier, people of color often do not get the services they need.

Native American Female Interpreter:

“In federal district you get called to interpret for federal halfway houses. There was an individual that was transported there, did not speak English at all. One Sunday morning he incurred some medical problems. He could not tell the individual at the front desk what those problems were. So they called me about 11:00. It took at least 45 minutes to get to the federal halfway house, and when I got there, the guy was on his back, laid down. They had not called the ambulance because they didn’t know what to tell the ambulance. I would think that it was obvious that this guy was in medical need, he was throwing up blood.”

Hispanic Female participant:

“I had a client call me from Provo, and she said, “I need to go to the hospital and I also need to call the police. I was gang raped.” So I asked her what happened. She said, “I went to the hospital, but they told me to go home to get somebody that speaks English.” So I called 911, I told them what the situation was and I was on my way there. Well, they called me on my cell phone when I was on my way there and told me to hurry because they still hadn’t called the ambulance. “I don’t know what her problem is. She just keeps crying,” the woman said. When I get there, they were still at the house. Her nose had been broken and her eye was swollen, and she had broken ribs. The officers said, “Well, why didn’t she tell them [to stop], you know?” And I said, “Well, I don’t think that’s what you are supposed to be asking, I think you are supposed to be asking who did it.” And at the hospital they said, “She came in earlier but we didn’t understand what she was saying, and so she went back home.” and so it had been four hours since she had been raped and nobody helped her. After that we filed a complaint with the Provo police and to this day we haven’t heard anything. Nothing has been done.”

◆ **NEIGHBORHOOD WATCH PROGRAM**

Perception: **Although it is meant to ensure safety in the neighborhoods, the Neighborhood Watch Program often works against people of color.**

Hispanic Male participant:

“I’m very concerned with the community-oriented policing. A certain segment of the population is watching the rest. They are watching people who don’t look like them so they’re always reporting in. Sometimes the police might show up and find out the only thing suspicious was that they aren’t the same color as the people doing the reporting.”

Hispanic Male Participant:

“One night I took my little daughter for a walk on the street, and my daughter didn’t look like my daughter, and the Neighborhood Watch, they call the police. They thought I was kidnaping that beautiful little girl.”

◆ **LACK OF CULTURALLY-APPROPRIATE SERVICES**

Perception: **When dealing with the system, people of color often need services/treatment appropriate to their culture (“One size does not fit all”).**

Asian Male Participant:

“I have two pieces of paper which I received from a lady who is in jail right now. This lady is an orphan. She met a man who was in the Air Force, then moved to Hill Air Force Base about six years ago. Then, about five years ago this woman killed her son, who is in trouble. At the same time she thought the husband was divorcing her, so she lost hope and decided to commit suicide. According to their custom, the husband cannot take care of her nor her son, so “both of us go together at the same time.” Somehow she killed the baby, then she had over 100 pills but she couldn’t pass away somehow. She’s alive and that’s why she is in jail.

“I am supposed to report to pardon hearing, August 1, 1998. I am a member of a supporting committee for her because she’s an orphan. So we visited her about two weeks ago, not to try to find out about this hearing, but we found out that it wasn’t true. Her caseworker told us that there was a Board of Hearing August 1998. There’s a big communication problem, she didn’t understand this whole system. I strongly recommend in jail system we need a diversity education there. My personal opinion is that she doesn’t have any culturally linguistically appropriate service in our system.”

Hispanic Female Participant:

“This was another rape case, and it was by her husband. She has also been physically abused. And the officer says, “Well, you guys are used to this. That’s part of your culture. You get beat up, I guess, as part of your culture. Women don’t have a say.” I didn’t know what to say! He says, “You’re from Mexico. This is how it is.” I was totally surprised. And we did file a complaint. They said they doubt the officer really said that, that maybe I misunderstood, maybe I don’t speak very well English. They think maybe I just didn’t understand what he was trying to tell me. And the officer, after we filed a complaint, he contacted her directly, knowing that she does not speak English at all and she didn’t know what he was saying, she understood “police” and “immigration.” So when I went over to her house, the number was on the caller ID. So I called the number back and I asked who had called my client, and nobody would give me an answer. So I came to find out that he had called her and somebody overheard the conversation and he was threatening saying he was going to call Immigration.”

Polynesian Female Participant:

“The case at hand was a young Tongan down by Decker Lane. He was in solitary confinement for several weeks because he went around slapping other guys on their backs. And if you don’t know, this is a form of endearment among young males and older males. They do it all the time. And so he was put in solitary confinement for abuse, and according to Western culture, and the values that we hold today. To make the long story short, it was resolved. People were brought in to help educate the personnel within that area, and there haven’t been, as far as we know, very many other problems concerning cultural issues.”

◆ **RECOMMENDATIONS:**

Polynesian Female Participant:

“There needs to be an ethnic advocate to help families through the process so that they can be educated on actually what is going on, why the judge or the police is taking this action, because all I hear is, “The judge hates us, they’re prejudiced.”

Hispanic Male Participant:

“There needs to be a liaison between the community and the judicial system. These people are afraid of the judicial system. They don’t even know who you are. They’re afraid to talk to judges or afraid to talk to lawyers or to talk to the police. You know they will not say anything to a police officer because they’re afraid to be put in jail for it. Until we start being friends with the police, with the community, and joining them, we’ll never be trained, we’ll never get along.”

Polynesian Female Participant:

“A kid comes into the court system, and he receives developmental support and so forth. He becomes healthy. Then you put him back into a family who is still dysfunctional. Our proposal is that while the child is in the system, receiving all of this, that the courts would somehow contract with ethnic delivery services to provide the developmental services for the families, such as parenting, acculturation, American lifestyle, and especially education on the law system.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Centro Civico Mexicano Public Hearings
August 16, 1998, 4:00 p.m. & August 20, 1998, 6:00 p.m.
Summary

Centro Civico Mexicano
 155 South 600 West
 Salt Lake City, Utah

The Mexican Civic Center and the Mexican Consulate sponsored two public hearings for the Hispanic community of Salt Lake on August 16th and August 20th, 1998. About 60 people in total attended; the meetings were conducted in English with Spanish translation. The following are a few excerpts from the meeting:

Task Force Members present:

August 16th:

Mr. David Dominguez
 Mr. Dan Maldonado
 Hon. Tyrone E. Medley
 Ms. Haruko T. Moriyasu

August 20th:

Mr. H.L. “Pete” Haun
 Mr. F. John Hill
 Ms. Haruko T. Moriyasu
 Mr. Filia H. Uipi
 Ms. Jeanetta Williams

Subcommittee Members present:

August 20th:

Lt. Kelly Rushton, Pre-Adjudication Committee
 Mr. Hector Cando, Client Committee

Staff:

Ms. Sarahi Dehesa-Avelar (intern)
 Ms. Yvette D. Diaz (intern)
 Ms. Marilee Miller (volunteer)

Ms. Jennifer MJ Yim (director)

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE:**

Perception: **Hispanics are often mistaken to be “criminals” and are therefore harassed and abused simply because they “fit the description.”**

Female Participant:

“About six months ago I had an experience with the police department. I was very unhappy. This has never happened to me in all the years of my life that I’ve been here. I felt really, really bad, and I don’t know if it was my skin [color]. There was six, seven police officers that come in front of my house. I was going to an emergency. The policeman pulled me over and grabbed me. He didn’t give me two seconds to explain to him that I was going to my emergency. He told me to shut up. He says, “I’m going to arrest you if you don’t keep mouthing off.” And then he said, “Just a minute. Let me check.” He looked at me, and he thought I was Mexican, and they always pick on Mexicans and ethnic people. And I felt really bad. It’s the first time I’ve ever experienced something like that. They didn’t take me to jail or anything because I was cooperating, but I told him, “If something happens to my mother and I go in that house and she’s dead, the police department’s going to be sued.”

Hispanic Male Participant:

“Approximately six months ago, I was coming home at about 2:30 in the morning, when I saw that a sheriff of that area had a person lying on the floor, stepping on his head. Since it wasn’t my problem, I went straight home. The next day, I went to a restaurant where the majority of the staff are Mexican people. One of my friends who works there looked a little bit out of sorts, and he said, “Last night when I got off of work at 2:00 in the morning a police officer stopped me right here in front. I was on a bike. He flashed his flashlight at me and he ordered me to stop. He threw me on the floor, handcuffed me, he was stepping on me, and he said that I had drugs on me. I explained to me that I was getting off of work and that was all.” But he had him laying there for an hour with his foot on top of his head.”

Female Participant:

“About four Mexicans who were in the supermarket Food For Less, at about 3300 South and 3000 West, were making purchases. It was wintertime and they had their jacket on top of the shopping cart. And they put a bottle of mayonnaise that they had bought next to their jacket. One of the security guards thought or assumed that he had put that mayonnaise jar there to steal it. When they arrived at the cashier, they put all their groceries there, including the mayonnaise, and three security guards came up and grabbed them forcibly and took them to the back of the store. None of them could speak English, and none of the security guards could speak Spanish. They did a complete search of them, and they asked the officers why this was happening to them. The officer answered to them that it was because they were stealing a mayonnaise jar. The Mexican responded, how is it possible that after spending \$159 on groceries he was going to steal a bottle of mayonnaise? At that moment they checked their receipts and realized that they had made a grave mistake. They immediately signaled with their hands that they could leave, but never asking-- or apologizing or asking for forgiveness. “

Male Participant:

“I was coming home Friday at about 7:30 in the evening, and I saw my son and a friend of his who had slept over at the house visiting. My son’s friend has dark skin and he took him to get to know the school where he’s at now. Four police officers detained the two of them, who are 14 years of age. They just had their T-shirts on. They frisked them and they told them, “Are you trying to steal from the school?” To me it’s illogical. I called the police the next day to file my complaint with the authorities but there was an answering machine so I left my message. To this day they still haven’t communicated with me. However, the police did contact the mother of my son’s friend, and the police told them that since he was black that he thought that he belonged to a gang.”

Male Participant:

“This case is about three guys who were detained in Logan and charged for raping some young girl. There was never an arrest warrant issued against them. The police officer who arrested them is a friend of the young girl. He had asked

them to accompany him to talk about the subject only. He doesn't speak Spanish, one of them doesn't speak English and the other two understand but don't speak it. The police said that the interrogation was sufficient enough reason to arrest them. They've been in jail for five months and they are being prosecuted. They haven't found any proof until now. The only proof against them is the police officer's testimony."

Male participant:

"About a year ago, I had the misfortune of seeing an incident from the window from the upper floor, and it was about a person who was standing at the sidewalk on 2nd South and 600 West. Two members of the police from Salt Lake City arrived, thinking that this person was selling drugs or waiting for clients. They arrived and they grabbed him and they threw him on the floor. They had him lying down with their shoe on him. He himself gave them his identification, and they realized that he was no delinquent, but they had already mistreated him a lot."

University of Utah Male Professor:

"A young folk from Central Mexico that was about 19 or 20 came up here to work. Well, he's got a job up there in the canyon as a dishwasher and he's been pumping a bike up there in all this heat, coming back and forth. Finally, he was able to get some money and to buy himself a car. Next time driving down, he hits a bump, the rear wheel kind of shakes, the cop stops him, pulls up, throws him up against them, frisks him, and he ends up losing the car. The only thing the kid wanted was a car so he could go to work and get to work on time."

Male Participant:

"This is about my son, it happened back in 1993. He got set up by the cops and the FBIs. He got sent to jail for about three years for something that they set him up to do. He was killed, he got ran off the road in Bangerter Highway and nobody knows who did it. The West Valley cops did not let me have an autopsy done on him. The highway patrolman that investigated him had said that he was on drugs and alcohol, but still at the time they didn't let me have an autopsy. I had to fork out \$1,200 to hire a person to do an autopsy on my son. My son came out negative on drugs, negative on alcohol, he was clean. Where is the justice at right there?"

Female Participant:

"I would just like to speak to the practice of profiling by the police department. While this is unconstitutional, it occurs on a systematic basis. I myself have experienced this. On a Saturday afternoon while driving to the movies with a friend of mine, I was pulled over by a police officer after no moving violations had occurred. I was pulled over, asked if I'd been drinking. There was no refreshments of any type in my vehicle to indicate that I'd been drinking, soda even. I was asked for a driver's license, insurance, registration, any sort of excuse to give me a ticket or cite some type of offense."

Perception: A lack of education or training on the part of law enforcement affects the ways people of color are treated.

Male Participant:

"I know that there's racists on the police force. I have a friend who's sleeping on the lawn, and a police officer came up and kicked him. The cop thought he was drunk. And my friend got up and said, "I'm just sleeping. Why are you bothering me?" And the cop says, "Relax. I'm on to you." And he rolled up his shirt sleeve and he had a Nazi swastika on his shoulder."

Hispanic Male Participant:

"Police abuse is a reality that has been accepted even by . . . the police commissioner of New York. He didn't believe that any system could exist which could end police abuse as long as an officer had racial prejudices. And what guarantees can the chief of police gives us that none of his agents have racial prejudices? None. And they want to sell us on the idea that some civilians in our community would collaborate in the effort to train those police officers. The act of imposing a police, which is a military dictatorship, is due to the fact that [some Utah public officials] accuse all the illegal aliens of being criminals."

Male Participant:

“I want to denounce something that I know is happening here in Salt Lake and different police forces around the U.S.A., and it is the fact that fascist groups, white supremacist groups, have been infiltrating local police forces, the INS and the military for years. I know for a fact that there is at least one NeoNazi on the SLPD bicycle squad. I see police a lot in my job and I’ve heard some of the comments that have been made. I’ve seen an SS tattoo on this particular officer’s arm.”

Male Reporter:

“About two months ago I was walking home and I saw that there was a church on fire at approximately 200 South 1100 West. I took my video camera out, and when the police officer saw me he said I couldn’t be in that area. I showed him a press pass, it was signed by Chief . . . , and I told him I worked for Channel 38 TV. He said, “I don’t care who you are, you are not supposed to pass this line.” I filmed for about five minutes, then Channel 13 pulled up. They didn’t have to show any ID and they went right past and stated filming. I approached the police officer and I asked him what the reason was for this and he told me that he didn’t have to give me any explanation.”

Male reporter:

“I was filming at the Salt Palace, a very famous group from Mexico was there. I was filming when there was a fight between two people in the back . I approached the area, my camera was off, and a police officer saw me and without asking me anything, he pushed me bruskiy and kicked me out of the area. “I don’t care who you are, you have to leave this place now,” he said. I told him I wasn’t going, and my Spanish blood started surging and I got really mad. He told me that I wasn’t supposed to raise my voice to an officer of the law, but I told him if he treated me that way, yelling at me and pushing me, that he would receive the same treatment from me. He said he was going to arrest me. I answered, “If you think that that’s sufficient cause to arrest me, then go ahead.” For the second time, he asked me to leave and I told him, for the second time, that I worked for the media. He said, “You didn’t show me any identification.” I answered, “You didn’t ask me for any identification.” Then two officers approached me, took me aside and asked for my identification. I showed it to them. They said everything was okay, to forget about the problem.”

Perception: Immigration issues improperly affect the legal rights of Hispanics.

Male Participant:

“This is a case in Layton about an individual who went to look for work and when he was going there, he was stopped by an undercover police officer and when he presented his documentation, he was arrested. The person in charge of hiring, after receiving this Mexican immigrant’s documents, turned him in, and this immigrant was fined \$300. And supposedly the police force cannot process this type of case, but they are doing it in this area of the state which is Layton and Ogden.”

Male Participant:

“The immigration services abuse the idiosyncracies of the Mexican immigrant. Since the Mexicans are used to always responding to authority, without having any rights, they are confessing to their crimes without having been read their Miranda rights. We have the case of one family that was detained at 7:00 in the morning and at 12:00 that same afternoon they were already in Tijuana. This family was going to serve as witnesses for the young man who’s in jail. Now he doesn’t have any witnesses.

◆ LACK OF REPRESENTATION IN LAW ENFORCEMENT

Perception: The law enforcement system lacks diversity which could be used to establish a better relationship with minority communities.

Male reporter:

“I offered to work as a full-time police officer to Chief . . . , and he laughed. I told him it wasn’t a joke, that I was willing to work full-time as a police officer. I told him that it wasn’t because of the money (everyone knows me in the Hispanic community and I make about twice what a police officer makes). I told him I wanted to do it because I wanted to help the community. I speak perfect English, and I told him, “You could test me if you want.” And a lieutenant answered to me that I have a Spanish accent when I speak English. So I said, “Do you want me to work with the Hispanic community or the Anglo community?”

University of Utah Male Professor:

“We had a volunteer partnership organization [in the 70s] and we started studying the Hispanic situation. We established a relationship with the police in Salt Lake because when we had Mexican dances, the police would arrive with dogs. So we started studying and they started saying that the Mexican didn’t have the height to be a police officer in Salt Lake, but yet they were going off to fight in Vietnam.”

◆ **LANGUAGE BARRIER:**

Perception: People working in the legal system often do not use adequate interpreting services when dealing with people who don’t speak English.

Male Participant:

“I work at the Mexican Consulate in the area of Protection, and I’ve become aware of the fact that there is a lack of certified translators, especially in the Gunnison prison in Draper. A lot of times prisoners complain to us because they’re hurt and need medical attention, but they frequently don’t get help.”

Hispanic Male Probation Officer:

“I’m a probation officer for juvenile court and I have seen over a thousand cases that deal with Latinos. I think a lot of the problems happen when police officers are making the arrests. One of the most common things that I’ve seen is the lack of professional translators at the time of the arrest. Many reports that I’ve read assume the allegation was a drug sale, for example, but oftentimes the detainee doesn’t really understand his rights in regards to why the officer is making the arrest. So when I have gone to talk to these individuals, many don’t really understand why they were incarcerated. There are occasions where I have seen stories are totally different from the time of the incident to what’s being written in the report. Many of those cases never go to trial. Probably 80 to 90 percent will end up getting adjudicated on a pretrial or at some level in the system because they’re admitting something that sometimes they should have never admitted to.”

◆ **LACK OF EDUCATION**

Perception: Many Hispanics do not understand the legal system.

Female Participant:

“I’ve had the opportunity to meet a lot of illegals that come to me seeking legal help, and I’m surprised by the ignorance, because there is no adequate system that teaches them, helps them, what is accessible to them. “

◆ **RECOMMENDATIONS:**

Hispanic Male Participant:

“I think one of the things that should be added in the police officers’ curriculum is common courtesy. I think the police officers sometimes forget that they are the public servants. And once they rough somebody up, once they found out it might be the wrong person, they neglect to come back and just say, “I apologize, now that we recognize it’s not you, we apologize for the situation and we hope you understand.” I think what I’ve heard over the last couple of days were several people who said, “All I wanted was an apology.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM

Logan City Hall Public Hearing

September 2, 1998, 6:00 p.m.

Summary

Logan City Hall
255 North Main Street
Logan, Utah

On September 2, 1998, the Governor's Office of Hispanic Affairs and Utah State University's Office of Multicultural Student Services sponsored a public hearing for a multi-ethnic audience in Logan. About 70 people attended; the meeting was conducted in English with Spanish and Vietnamese translation. The following are a few excerpts from the meeting:

Task Force Members present:

Mr. Daniel Becker
Mr. Chris Martinez
Ms. Haruko T. Moriyasu
Judge W. Brent West

Subcommittee Members present:

Mr. Myron March, Post-Adjudication Committee
Ms. Leticia Medina, Co-Chair, Juvenile Committee
Ms. Carolyn Webber, Client Committee

Staff:

Ms. Sarahi Dehesa-Avelar (intern)
Ms. Jennifer MJ Yim (director)

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE:**

Perception: Law enforcement uses differential treatment based on race/color when dealing with the public.

Hispanic Female participant:

“This event happened to my sister-in-law, December of last year. She went into a bank here to cash a check for one of her cousins and immediately, before she knew it, was being questioned about stealing a check. She was taken to a room, questioned over and over and the police officer assured her he was not going to arrest her if she answered the question asked. She did exactly what they asked and after they finished, they asked her if they could walk outside with her, and as soon as they did, they took her up against the police car and handcuffed her without telling her why she was being arrested.

“They wouldn't say a word, they just shoved her back into the car and asked her if anyone had been with her. She mentioned her cousin, and so they drove back to the bank to where her cousin was sitting in the car. The police went out and pulled this guy out of the car, searched him and handcuffed him. He didn't know what the heck was going on when they took him to jail along with her. They were put in separate rooms and each one was questioned over and over. She was told that she was a liar and that she knew information about illegal cards that they make. She kept asking to let her call home, she told them that she had just had a baby less than a month ago which was home without being fed, and they ignored her on that.

“She was in the jail for somewhere around three hours, and she was never told exactly why she was being arrested. They took her in, fingerprinted and photographed her, as if she was a criminal, and finally they let her go. They had handcuffed her so tight that she had red marks on her wrists. It wasn't really nice how they treated her. She said that once she mentioned that she was a citizen, they kind of backed up a little bit and started being a little nicer to her, but they were quite rude to her the whole time. Her daughter had to go through that time when she wasn't even fed. She was humiliated in front of a lot of people and she hadn't really done anything wrong, and all the charges had been dropped. She did get a lawyer to help her out, but nothing was ever done because the lawyers never got the information from the city department.”

Anglo Male participant:

“The officers [here] see a Hispanic, they know that he's probably doesn't have insurance and probably doesn't have a license. And so they pull them over.”

Anglo Male participant :

“I know of a young man that was in Ogden driving, he had a driver's license and insurance, and he was run into by

a juvenile who totaled his car. No justice done. The person who was driving the car wasn't cited, neither were the parents (it was the parent's car). It was a hit and run and they were able to trace who did it. There were three witnesses. They knew who did it, and no citation was ever issued. This young man had to go buy another car and has still not found any resolution to this. When his employer tried to talk to the Ogden police, they flat refused to talk to him. They had to bring this guy down and miss his work. And he didn't understand, he can't speak [English], they had a hard time communicating to get their work done, let alone translate. Something is going wrong here. The young lady who caused the wreck should have been cited, should have been brought into court."

Anglo Male participant :

"A close friend of mine that has a neurological problem was driving up the road to work on a dairy in Hyrum. He was drinking a can of pop, and the car was weaving a little bit as he drove [he had a driver's license]. About five minutes later, a security officer pulled him. He jumped out of the vehicle, and although he was not a police officer, he had a gun, and he pulled the gun up to the guy's head. He put the cuffs on him. And his brother [that was in the car with him] was so surprised, he didn't know what was going on. He just stuffed him in the car and drove him to take a blood alcohol test. Then, a while later, a tow truck towed the car away. The brother was dumbfounded as he told the officers, "He doesn't drink." And he didn't understand English very well. His brother was so shaken by the experience that he gets on the plane the next day and flies back home. And finally my friend got the car out of the impound by paying \$300. There was never any citation on alcohol or anything. You know that wouldn't have happened if they'd been Anglos that could speak the language, that could defend themselves. They wouldn't have dared do anything like that."

◆ LACK OF CULTURAL SENSITIVITY

Perception: Employees of the legal system are often not culturally sensitive when dealing with people of color.

Hispanic Female court interpreter:

"During this past summer, I had the opportunity to be a Spanish interpreter for the Seventh District Court. I want to touch upon one thing that the judge said in one of the cases that I interpreted for. Although he didn't say it to me, it still hurt because he was saying it to somebody from my country. He asked the person where his kids and his wife were and the gentleman said that they were in Mexico. And the judge rudely and abruptly said to him, "Well, Mr., come sit your butt right over here, and I'm going to book you right now." And I had to interpret that. It was the hardest thing I've done for a long time."

Anglo Male participant :

"A couple of weeks ago, I was in the Office of Adult Probation and Parole talking to a lady that I've known for ten years, about renters and Hispanics and some of the things going on in Logan. And her comment to me was that if it wasn't for the Hispanics, Logan and Cache Valley wouldn't have the crime rate that it has, that didn't have until the Hispanics came here, and that they're to blame for the crime and slum areas in Logan. And her statements frankly shocked me. I'd never expected to hear anything like this out of this lady's mouth. But to talk to her supervisor would do no good, because they don't care. And I think that when comments like this are made by state employees, especially in the criminal system, that these employees have to be held accountable for what they say when they represent the state and its philosophies."

Hispanic Female court interpreter:

"In another case, a man asked for a work release so he could work and send money to his family in Mexico, so they could live. The judge said no. When his defendant asked why, the judge said, "Because you are a danger, and I don't know if tomorrow you'll go home and get drunk before you go to work and you'll kill someone on your way to work." Now, was the judge right to do that? This man needs to support his family?"

◆ FEAR OF TAKING ACTION

Perception: Some people are afraid to make use of the system because the system could act against them.

Hispanic Female Participant:

She asked in Spanish, how an illegal can make a [police complain] report without being deported.

Native American Female participant:

“Unfortunately I don’t feel comfortable standing here explaining my experiences with the different systems here. I really wish I could, but for fear of repercussions, I can’t and I won’t. They have access to my telephone number, to where I live, my driver’s license, and any other information that they can get through the system.”

◆ **RECOMMENDATIONS:**

African American Male participant:

“We had an incident about three years ago. These kids had an altercation, and the one kid was allowed to go home without being incarcerated, and my son was incarcerated. There was a lot of hassle, but I investigated the situation with respect to police harassment and reports and complaints, and I found it intimidating to have to file a report at the vary station where I thought the incident had occurred. I thought that maybe if these kinds of complaint forms were available at the library or someplace that was neutral [I would like it better].”

Polynesian Female participant:

“I don’t actually have a story to tell. I want to make a comment. In my 40 years that I’ve lived here- I’m a Pacific Islander- I don’t think I’ve run into trouble with the law. And I’ve been called all sorts of names, but if you take it personally, it’s going to cause you problems. My brothers have gotten in trouble and they weren’t treated like some of these stories that we’re hearing, they were treated human. I think it’s all in the person’s attitude. If you act like you challenge them, then the police are going to take off next to that. It’s in your attitude, how you treat the police officer or law enforcement as a general rule. We as a minority also have to respect the rules and the laws of this land.”

Hispanic Female participant:

“I have been here 20 years, and in all fairness, I have not had any problems [with the law], none whatsoever. I realize that I have heard negative comments, but I think a lot of times we set ourselves up because we don’t learn the language. I have had even younger people make the comment, “I’m not gringo. Why do I have to be like gringo? Why should I speak English?” Well, we need to remove that attitude because it’s like we’re saying to law enforcement, “I don’t understand,” then we go up to the court and say, “I don’t understand,” we set ourselves up for people to put us down.”

Anglo Female Judge:

“I think the problem we have is people don’t take time to educate the non-English speaking people who come into our community. No driver’s license, no registration, and no insurance are generally the problems that I generally see the non-English people getting involved in.”

Anglo Male reporter:

“I think a common theme is a lack of communication or ability for [non-English speaking peoples] to have an ombudsman or someone they can go to within the court system that would be able to translate a lot of the complexities of the legal system. Even as an English-speaker, the complexities of the legal system are ridiculous, you know? That’s why we have lawyers. They’re almost interpreters for our own language.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Vai-Ko Latai Restaurant & Pool Hall Mini-Public Hearing
September 15, 1998, 7:00 p.m.- 9:00 p.m
Summary

Glendale Shopping Plaza
1200 South Glendale Drive
Salt Lake City, Utah

On September 15th, 1998, Unga Kioa, a member of Salt Lake Council's Multi-Ethnic Advisory Committee, sponsored a mini-public hearing for the Tongan community of Glendale. About 25 people attended; the meeting was conducted in English with Tongan translation. The following are a few excerpts from the meeting:

Task Force Members present:

Judge Tyrone E. Medley, co-chair
Mr. Filia H. Uipi

Subcommittee Members present:

Mr. Robert L. Booker, Courts Committee
Detective Isileli "Izzy" Tausinga, Courts Committee

Staff:

Ms. Sarahi Dehesa-Avelar (intern)
Ms. Jennifer MJ Yim (director)

Issues discussed

◆ **LACK OF INFORMATION OR KNOWLEDGE ABOUT THE LEGAL SYSTEM:**

Perception: Some Polynesians are afraid to use the system due to a fear that the system inherently works against them because of the color of their skin. This leads to more trouble as they completely avoid the system, even when it is to their own advantage to participate in it.

Female Participant:

"Some Polynesians don't use the system because they don't have immigration papers and they are afraid to be deported. That's why they don't go to court."

Female Participant:

A woman in the audience wondered whether a past speeding ticket was issued to her fairly. She felt that policeman was "waiting" just for her with his radar so that he could give her a ticket. She thinks he followed her because she is "brown." She admitted that she hadn't taken care of the ticket and mentioned a concern about going to traffic court because the judge wouldn't treat her "fairly." Since then, she has been driving with a suspended license. Once, a policeman stopped her and she gave her sister's name instead of her own to avoid going to jail. She also mentioned that oftentimes she feels that the policemen have a "bad attitude" towards her.

Male Participant:

A male participant asked why there was not a sensitive training program to educate police officers about the Pacific Islander culture. He felt that although some limited training was available, it wasn't being implemented. He mentioned an instance where the SWAT team raided a Polynesian family at about 3:00 a.m. because one of their sons was thought to be a suspect in a case. He thought this was excessive.

Female Participant:

A woman asked the panel whether asking for a support hearing on her son's case was appropriate. Her 17-year-old son is currently in the custody of the Division of Youth Corrections, and she originally had to pay \$300 per month for him. However, her husband had a stroke and one of her daughters requires dialysis for kidney failure, and thus she had a support hearing in April to ask the judge to lower her payment from \$300 because she was the sole economic support

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of her family. The judge approved and lowered it to \$100. She wondered whether it would be too much to ask to lower it down to \$75 per month because she wants her son to contribute toward this payment once he gets out. She felt confident in going in to see the judge, yet she was concerned that she was asking too soon for another support hearing.

Female Participant:

A woman asked the panel how to file a complaint against a police officer.

Female Participant:

A woman asked the panel how to react to police officers, what they expect of citizens.

Male Participant:

A man asked what to do when a policeman stops him, when he has no insurance and the automobile registration is wrong. He also asked what to do when being handcuffed.

Female Participant:

A woman asked whether one can refuse to sign a speeding ticket (order to appear in court).

Task Force Panelist:

A Task Force panelist told the following story to illustrate why it is advantageous to ask questions and follow through with procedures when it comes to dealing with the system:

He described how he was driving with a friend in Park City when a police officer stopped them. Because he has knowledge of the legal system, he began to tell the police officer that he saw no apparent "probable cause" for stopping them. The result of his reasoning with the police officer was a concussion and a broken ankle. He never threatened the officer, yet the officer reacted rather abusively to him. Yet, because he followed through with the procedure (Internal Affairs), the police officer is no longer an employee in the police department.

◆ EXISTING LAWS

Perception: **Certain existing laws directly conflict with some cultural traditions (i.e. disciplining children v. child abuse), this permits a rift to grow between family members.**

Male Participant:

A man in the audience expressed concern that his children have threatened to call the police when he is disciplining them, when in Tonga, such disciplining is natural. He wondered why it was illegal to discipline his kids.

◆ LEGAL REPRESENTATION

Perception: **A legal representative of the same race as the client is believed to treat the client more fairly than others.**

Male Participant:

His opinion is that legal representation for the Polynesian community in Salt Lake City is lacking. He wondered why children aren't being encouraged to go into the legal profession by the system itself. He would like to see more reaching out to the minority communities of Utah.

Female Participant:

A woman mentioned a case in court where her friend was cheated when she took her sewing machine to get fixed. The

"sewing machine doctor" allegedly traded her machine for another exact one which was in worse shape so that he could charge her more. He charged her \$300 plus \$148 for parts, so she took him to court. In the court, this woman

some particular body gestures exchanged between the judge and the defendant led her to believe that the judge and the defendant were "best friends," or aligned with each other, and therefore she was not treated justly.

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
Central City Community Center Public Hearing
September 25, 1998
Summary

Central City Community Center
615 South 300 East
Salt Lake City, UT

The NAACP sponsored a public hearing held at the Central City Community Center of Salt Lake City on September 25, 1998. About 30 people attended. The following is a summary of the themes discussed at the hearing:

Task Force Members present:

Ms. Haruko T. Moriyasu
Ms. Jeanetta Williams
Hon. Tyrone E. Medley
Ms. Donna Land-Maldonado
Reverend France Davis

Subcommittee Members present:

Mr. Edward Hannan-Cañete, Courts Committee
Mr. Ross Romero, Pre-Adjudication Committee
Mr. Peter Appleby, Community Resource Committee
Mr. Gwen Springmeyer, Client Committee
Mr. Keith Hamilton, Courts Committee
Ms. Shauna Graves-Robertson, Representation Committee

Staff:

Ms. Jennifer Yim (Director)
Ms. Claudia Galvez (Volunteer)

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE**

Perception: Law enforcement officers abuse their power in a system that targets minorities.

Female Participant:

“One incident that happened less than a year ago [my nephew and some friends] were over in the Cottonwood Mall hanging out, like kids do. And they were in the men’s restroom and a security guard came in there and told them to leave. And the first thing he did was grab my nephew and start to search him. And he had a knife that he just bought at the Cottonwood Mall, at the little arcade they get the little knives and things. They immediately took him to the security place, took all the information, sent his name and everything to the juvenile court system. They called my sister with a court date for him to come to juvenile court. He’s never had a record. He’s a straight A student. He happens to be the [student body] president of Mountainville Junior High School. We were really shocked. First thing we did was get an attorney. Once they found out he was represented and he was hanging out they dropped the case. They said that the case load was too heavy. But I think this is, you know, a real problem here in Utah. Our African American men, they get them in the system at a young age so they set them up for failure.”

Anglo Male Participant:

“A couple of years back I was living in a house over on the east side of Liberty Park, and we used to have a few parties now and then, and it was never a problem until at one point when we started to have a lot of Tongan friends come over. As soon as that happened, the police were there constantly, to the point they were there three or four times in one day, at times when there was no partying going on at all. I had some Tongan friends assaulted by police. And as soon as they showed up and saw anybody Tongan they started asking about gang members this, gang members that.”

Hispanic Male Participant:

“This police officer is not a police officer of Salt Lake P. D. or Sheriff. He still works for the state assigned to the gang unit. And he happens to be a person of color. And he also has a long history of pulling over Tongans, or Polynesians, African Americans, Chicanos and Mexican Americans. His mode of operation is to handcuff kids, pull their shirts over their heads and then proceeds to slug it out. And from what I understand on the streets this kid, this police officer, continues to do this.”

African American Male Reverend:

“A highway patrolman pulled me over. He asked if I knew why he pulled be over as I handed him my License and registration. I said ‘No.’ He said, “You had been speeding in the park. I was driving on 700 East beside you and you were going faster than me.’ He said he was warning me to slow down although he said, ‘I don’t know what the speed limit is or how fast you were going!’”

Anglo Male Participant:

“A bicycle cop came through the area, basically harassing a lot of people...I shaved my head a couple times a year, and this was probably within a week after I just shaved my head. He apparently assumed that meant I was a Nazi. And in an effort to convince me that not all cops are bad he showed me his SS tattoo on his left shoulder. And that was supposed to convince me he was somehow on my side. There are cops on the Salt Lake force that are self-avowed Nazis, because I’ve met one of them who openly bragged about it to me.”

◆ **RECOMMENDATIONS:**

Hispanic Male Participant:

“At one time the people who helped us or who were our coaches and so forth were the cops, the Salt Lake P. D. And that really helped bridge the gap between those of us in central city and law enforcement. As soon as the funding dried up, so did the cops, and then the crime rate went up. So if we’re talking about prevention that could be certainly one [suggestion].”

Assistant US Attorney Anglo Male Participant:

“Let me just simply suggest to you that while the law has been focused on state and local issues, the federal government plays an important role in this. We have a mechanism for investigating police abuses through the FBI and we have investigated -- you’d be surprised at how many we have investigated that have resulted in several prosecutions. It’s a limited tool. The jurisdiction is narrow under federal criminal law, but it is one mechanism to redress wrongs.”

◆ **LAW ENFORCEMENT DISCRETION**

Perception: As minorities, punishment through legal system is going to be harsher than if you are not a minority.

Hispanic Male Participant:

“There was an accident on Washington Boulevard caused by two white gentlemen that were speeding and racing down Washington Boulevard. What happened was that this Mexican guy was crossing the crosswalk and he was hit by one of the drivers and killed. He did not have any family here of any kind. I was pretty upset and I tried to get information on this that they decided to -- they didn’t check them. They didn’t do nothing to see if they were drinking.

They just let them go.”

Hispanic Male Participant:

“The police came over and opened the car. The windows were cracked about an inch, and they opened the car and took the baby out. And about that time the lady was coming out of the hotel and the baby had been there by itself for over half hour, and it was pretty hot. And all they did was give the baby to the girl and told her to take better care of her daughter. If it had been anybody else--they didn’t specify what race or anything, but I think if it had been anybody, *if* it had been a black or Hispanic or whatever, I think this person would have been arrested right there for neglecting the baby and leaving in that car like that.”

◆ CIVILIAN REVIEW BOARD

Perception: No true mechanism of follow-through of recommendations given by civilian review board.

Anglo Female Participant:

“I understand that the civilian review board was just created and that it’s made up of four civilians as well as perhaps two officers. The civilians are selected by Mayor . . . with I’m sure lots of suggestion from politicians. And the civilians serve for four years and they have no ability to recommend punishment or punishment or action that should be-- they cannot recommend punishment for police who have overstepped their bounds or done anything wrong. So I’m curious about what the review board is for then and what we can do to make it more meaningful.”

Anglo Female Participant:

“I sat on the old review board. Last year they reorganized it. I attended many of the review hearings. It was our task to recommend to Chief . . . some resolution or some maybe punishment or something to happen, whether it was our opinion that there be no punishment. I do not know how the new one is set up, but I sat on it for about four years, and that was our goal.”

◆ DISCRIMINATION IN THE JUDICIAL SYSTEM

Perception: The court system discriminates against people of color.

Anglo Male Participant:

“Just last week I met a women out in the Tooele County jail who’s been told that she’s the first black women in that jail since 1982, and that obviously creates a situation for discrimination. And she personally feels that she’s been discriminated against by everybody from the federal judge in her case; her court-appointed attorney here in Salt Lake, Keith Rasmussen, who feels despite the fact he’s gotten a thousand dollars so far to represent her she feels that he hasn’t even read all her paperwork and doesn’t even know most of the details of her case.”

Hispanic Male Participant:

“My little brothers both had experience with both systems, the adult and the juvenile system. And years ago when they were going before judges, et cetera, I would go because I was the oldest in the family and go with my mother to try to explain to her what was going on in the court. And as I stood there and gave recommendations to the judge about home detention, about probation in the community, all these alternatives rather than sending them to state school, and the judge wouldn’t hear it. He immediately with both of them sent them to the old state school. And when I worked in the Salt Lake County jail for mental health, in the Salt Lake County jail, it was interesting because I had an opportunity to look at the jackets of a lot of inmates. Jackets had arrest records, et cetera, on it. I befriended a lot of the inmates, and it was really interesting. Hispanic and African American inmates as they came back from court said they’re sending me out to the joint. And some of the Caucasian or white inmates that I knew from the streets and so forth said they’re going to just out me on probation. So I’d go back and compare their jackets, their criminal history, and time and time again, you know, the Hispanics or other minorities were not committing any worse crimes than they were but these guys were always sent out to the joint first.”

Hispanic Male Participant:

“I will say that prejudice does exist in the court system. And I’ve been working with the court system here for four

years, and it does exist among the judiciary or the judges. And that's the most important position in the court system. And the problem that I see is that there isn't an avenue for grievances. If attorneys or court personnel or defendants or juror have a grievance about the behavior or the treatment, behavior of a judge or the way they've been treated by a judge, I don't know of any grievance procedure. I know there is a judicial conduct committee, but what concerns me the most is that I work with legal defender attorneys all the time. And we have one here, [names a participant], and the last meeting we had [names a participant]. And I think they're aware that prejudice does exist. It doesn't pervade the judiciary, but it certainly exists in the judiciary."

◆ **LACK OF EDUCATION**

Perception: Knowledge of one's rights is important for all people, in order to ensure against discrimination.

Assistant US Attorney Anglo Male Participant:

"I think it's interesting that we talk about our need to become better educated about our rights. I think that's not only a problem in the minority communities. It's a problem in society at large."

Native American Male Participant:

"A lot of the rights are infringed on citizens, and a lot of American citizens aren't familiar with their rights. Due to the fact, therefore, law enforcement realized that citizens are not educated of their rights, therefore can take advantage of them."

◆ **RECOMMENDATIONS**

Anglo Male Participant:

Maybe another recommendation in addition to making an effort to inform more citizens of what their rights are is to inform more police officers of what citizens rights are and have some kind of method to make sure that they not only recognize that but respect that. I think in a lot of cases they obviously don't know. In the situation [a participant] was talking about last Saturday where the police came down and told us you don't have the right to demonstrate and we told him, no, we do have a right to demonstrate, they obviously believed they didn't and they could arrest us and take us to jail because we were out there with a couple of signs. And they had to call through headquarters and go through one superior to the next superior to the next before the word came down from Honda that, 'Oh yes. That's right; they do have the Constitutional protected right to demonstrate.' Maybe another recommendation would be to get the cops and let them know and other people that there's a system. Prison guards would certainly be another prime candidate for that and have some kind of training where they not only know those rights are but some way of seeing that they respect those rights."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM

Sam Smith's Home Mini Public Hearing

September 26, 1998 10:00 a.m.

Summary

Sam Smith's home
Glendale/Poplar Grove neighborhood
Salt Lake City, Utah

On September 26, 1998 a public hearing for the Glendale/Popular Grove neighborhood, hosted by the Salt Lake City Multicultural Advisory Committee. About 25 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Judge Tyrone E. Medley
Mr. Dan Maldonado

Subcommittee Members present:

Mr. Keith Hamilton, Courts Committee
Mr. Robert Booker, Courts Committee

Staff:

Ms. Jennifer Yim

Hosts:

David Martin
Joanne Milner
Sam Smith

Issues discussed:**◆ LAW ENFORCEMENT:**

African American male participant: Perception: The targeting of minorities occurs equally by white and minority police officers in our neighborhood.

African American male participant: Comment on the Neighborhood Watch Program in the Glendale / Poplar Grove area – “The older minorities who live here are scared by the gang members. And law enforcement won’t investigate. . . we’re taxpayers too! . . . we get blame for stuff and we were born and raised here . . . we don’t know what to do to solve the problems. We want you to tell us what we can do to improve things . . . we want freedom, peace, quiet.”

◆ REPRESENTATION / LEGAL COUNSEL:

Male participant: “I was arrested in 1966 for drunk driving at 400 South and North Temple. Twelve law enforcement cars with their lights on tail gated me, bumped me, and pulled me over. I passed the test for sobriety. They arrested me anyway, but I didn’t argue because you can’t win. I hired an attorney. In the proceedings, two police officers lied. I paid \$1,000 for my attorney, who fell asleep in court . . . The video that they had of the incident had been edited and was different from the original that I saw . . . The case was ultimately dismissed for lack of probable cause . . . I wanted to sue but I couldn’t find anyone who would give me information or advice about how to do so.”

Volunteer court interpreter: “Not all attorneys at LDA (Salt Lake Legal Defenders Association) are doing the job that they should. Quite a few just want to “make a deal.” . . . The judges may be fair, but the information that the attorneys give them is often faulty . . . Some attorneys at LDA are very conscientious, especially those [who are assigned] on capital cases, but others are not concerned with doing a good job . . . This adversely affects minorities since most minorities don’t have the money for counsel . . . There is a problem with timeliness of help from LDA. They can’t respond when you need them [due to case loads]. [In my experience,] not all Spanish speaking people that were detained were guilty of the crimes, but I believe that they were treated as if they were guilty. The only judge I ever found abusive was Judge . . . , but I don’t think that his abusiveness was based on race.”

◆ COURT EXPERIENCES:

African American male participant: “My son was driving and hit from behind by an older Winnebago . . . He had to go to court about the incident. He wasn’t able to get proper help at court and ended up having a very bad experience . . . These types of experiences are what make kids “go bad.” I tried to get the car fixed for my son, but I couldn’t help him . . . If my son had been white, the whole incident would have been handled better.”

African American male participant: “A long time ago, I had a Black lawyer on a case. Both my lawyer and myself were treated abusively by the judge. The judge called him a “n----r”. It was a long time ago, but I still remember it.”

◆ JUVENILE JUSTICE EXPERIENCES:

White female participant: “I work with juveniles regularly, and in my experience, one of the problems is that I see harsher sentences for youth of color in juvenile system.”

Polynesian woman: "I want to tell you about a case with my son . . . I whipped him, in the Polynesian way and then the police came and told me they were going to take me to jail . . . I was given a citation . . . They took my son somewhere. I went to visit him there. I think it is a bad environment. I asked if I could take my son home, but they said no, I have to go to court first . . . My son told the judge that he knows I love him, but I still had to go to criminal court . . . The judge and my court appointed attorney treated me fairly but I think the law is wrong. I sent my son back to Tonga to go to school. Now my teenage daughter is pregnant, and I can't discipline her."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
San Felipe's Catholic Church
Wendover, Utah
October 7, 1998
Summary

San Felipe's Catholic Church
Wendover, Utah

On October 7, 1998 a public hearing for the Hispanic community in Wendover, was hosted by the Salt Lake Community Action Program. Unfortunately, no one from the community attended. For more information about this hearing, please see the full report.

Task Force Members present:

Judge Tyrone Medley
Ms. Haruko Moriyasu
Mr. Jesse Soriano
Mr. Chris Martinez

Subcommittee Members present:

Carolyn Webber, Client Committee

Staff:

Mr. Brent Johnson
Ms. Jennifer Yim

Interpreter:

Ms. Rosalinda Alvarez

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Indian Walk-In Center Public Hearing
October 17, 1998, 1:00 p.m.
Summary

Indian Walk-In Center
120 West 1300 South
Salt Lake City, Ut 84103

On October 17, 1998 a public hearing for the Native American community was sponsored by the Indian Walk-In Center and the Multi-Ethnic Advisory Committee. About 20 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Mr. Daniel Becker
Mr. David Dominguez
Ms. Donna Land Maldonado
Mr. Dan Maldonado

Subcommittee Members present:

Mr. Bill Afeaki, Juvenile Committee

Mr. Haruko Moriyasu

Staff:

Mr. Brent Johnson

Ms. Jennifer Yim

Interpreter:

Ms. Bertie Key-Lopez

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE:**

Perception: Law enforcement officers abuse their power in a system that targets minorities.

Female Participant:

“I told my son, ‘I’m getting \$ 4 worth of gas,’ --he misunderstood me. He thought I was putting \$5. I went to [pay the cashier]. I threw \$5 on the counter and said, ‘\$4.’ She looked at me right in the face and gave a dollar back. So, we’re riding down in north Salt Lake when all of a sudden flashing lights come behind. A whole line of [police cars], Highway patrol, West Bountiful Police, North Salt Lake Police, Salt Lake Police and Bountiful Police pull up. They said, ‘We were called on a robbery case. You had driven-off.’ And I asked, ‘Well, son, how much did you put in?’ [He answered], ‘I put \$5 in.’ And I said, ‘Well, I only paid \$4.’ They were all disturbed and said, ‘Oh,’ and left. My husband wrote a letter to all the departments, to the chief at the time, and there was no response from them at all. No apologies. My husband and I have noticed that there’s a lot of people pulled over because of color.”

Female Participant:

“I just need some help on trying to sue the UHP and the County police, because I don’t think people of color should be treated this way, whether they’re drunk or what because I was pretty drunk at the time. But that doesn’t give them the right to put me in a coma for three days.”

Female Participant:

“He and his cousin were beaten by [three or four officers] who thought they were carrying dope. And they stripped the van, [that] sat innocently out here at this Center, and the whole thing was just destroyed. The police kept saying he was Mexican and he isn’t. It’s just overwhelming that people continue to see us as color, not just us, but other minorities.”

Perception: Law enforcement discounts complaints of minorities.

Female Participant:

“There was no record of me even being there at the police station. I came down to file a report and there was nothing taken down. I told [the officer], ‘Does my daughter have to be dead or do they have to knife her, or what’s needed to be done before its filed?’ I believe its because we’re brown, honestly.”

◆ **LACK OF EDUCATION**

Perception: Many Native Americans do not understand their own rights in the legal system or where to receive additional information and assistance.

Female Participant:

“I just wanted to know, if ever this situation should occur, where do I go, who do I talk to, where do I get advice, who will stand with me and give me legal advice. On the reservation its much easier, because you have all your family there and the language and people understand you. But in the big cities, we don’t know where to go, and a lot of things just seem to bypass us, you know. We get ourselves deeper and deeper into problems just because we don’t know what our rights and we don’t know where to turn or who to talk to.”

Female Participant:

“Legal Services provides legal representation to low-income Native Americans who are tribal members or enrolled members of a federally recognized tribe. And we try to assist to individuals both from state and from the

reservations.”

Female Participant:

“There’s also probably a need for just some good advice, which Bertie was able to give to some Indian people here. It’s a hardship for people from Provo or Ogden to come down here and let Bertie know. If we could in some way get some Native American people working in those two areas, it would be really helpful.”

◆ **DISCRIMINATION IN THE JUDICIAL SYSTEM**

Perception: The court system discriminates against Native Americans.

Female Participant:

“My brother was dating an Anglo girl who was 15 years old. He was 17 at the time. Her family decided they didn’t want my brother to be involved with her, so they took her to Nevada. She had come back, and they were seeing each other secretly. He entered her house in the middle of the night and asked her to leave [with him]. They left. He was drinking and he stole a vehicle. They went up to the mountain and got a flat tire. By the time they knew it, it was 9:00, 10:00 in the morning. He had sobered up and realized that he had stolen a vehicle and the girl was still there. So he turned himself in, went into the police department and told them, ‘I stole a vehicle. My girlfriend’s out in the car. She needs to go home.’ They arrested him and took the girl. Her parents were called. The parents didn’t even know [that] she was gone. They came and picked her up. They took her to the hospital, and they charged my brother with rape, burglary, and seven counts of federal offenses. He was given a public defender. However, the public defender would not talk to my parents at all. He was considered a juvenile. And by the time my parents found out what was going on, they had already registered him as an adult. And he was guilty of some of the things they did say, but he kept denying the rape charges. They rushed him through the judicial system. They would not speak to my parents. We didn’t even know what the charges were. My brother took it upon himself. He didn’t know what he was looking at. Even his public defender didn’t tell him. His public defender sat him down and said, ‘Sign these papers.’ He didn’t explain to my brother that it meant spending life, his life in prison.’ So my family and I, together, turned his plea around, but we had to deal with Sevier County. We wrote the paper out and we got a little help on that. We weren’t sure what we were doing. But we got the papers through, and the judge was willing to see us. When we got to the judge, we asked at the time if we could just see our brother, before he was taken back in, they said that would be fine. There was one lady there [at the jail] and she said, ‘You’re going to have to wait.’ So we all waited around. ‘I’m here to see my brother.’ I was getting more impatient. Then the lady came out and started yelling at me and said, ‘Well you guys are supposed to have a court order.’ I [asked], ‘What’s a court order? I’m not sure what you mean?’ She said, ‘Well, one of you lied. You’re harassing my deputy.’ And I said, ‘I’ve only talked to her once.’ She said, ‘Well, you need to have the judge say it’s okay.’ And I said, ‘He did, our lawyer told us.’ But our lawyer had already left, and we waited there two hours to talk to the judge again. When I appeared to the judge and told him what happened, he threatened to put me in jail for lying. I was really stunned. I said, “Well, listen, you have the cameras up there. You can look at the video and you can see I did not harass this lady. We were all just excited and waiting to see our brother.’ Anyway, he threatened me, to put me in jail. We just didn’t get any help from Sevier [County]. Later we found out that the people that do work in the courtroom were all related to the girl. My family still lives next door to this girl. She has been verbally abusive. She has threatened to run over my little brothers. My family has taken it to the police department and nothing is being done. My brother loved this girl, and that was his crime.”

[A question and answer period following this statement included the participant’s comment that the entire case was tried within 30 days.]

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Centro de la Familia de Utah, Focus Group
October 20, 1998, 6:00 p.m.
Summary

320 West 200 South, Suite 300B
Salt Lake City, UT 84101

On October 20, 1998 a focus group for the Hispanic community was hosted by Centro de la Familia de Utah. Approximately twenty-five people attended. This focus group was originally designed to give rape victims a chance to speak about their experiences with the justice system. However, none of the women were willing to come forward and speak. Others were present to participate in the focus group. The following is a summary of the themes discussed.

Task Force Members present:

Ms. Donna Land Maldonado

Subcommittee Members present:

Ms. Leticia Medina, Juvenile Committee

Staff:

Ms. Jennifer Yim

Interpreter:

Ms. Martha Hannan

Issues Discussed:

◆ **LAW ENFORCEMENT:**

Hispanic Male Participant: The police are “crooked.” He’s seen them doing drugs that they’ve confiscated. He knows an officer who has contact with someone who is now in prison. Even minority police officers use racial slurs. His mother works in the new Matheson Courthouse, and yet they still have problems with law enforcement. He and his mom joke about the Neighborhood Watch program where they live. Since they are the only Hispanic family on the block, they call it “neighborhood watch *our* house.”

Hispanic Male Participant: Police harassment is continual . . . “Once you’re in the system, it stays with you.” Police target him because he’s Mexican. “If you’re not worth the paperwork, then they just beat you up [confiscate your drugs or guns] and let you go.” It is frustrating to try to start all over again, but “now I’m in college and have a job.”

Hispanic Male Counselor: These young men are trying to start their lives over again, but because of police harassment, they are afraid to go out. Their lives are just school, work and home because they are so targeted by police, even if they’ve been out of trouble for years and can demonstrate improvements in their lives.

Teenaged Male Participant, Written Statement:

“In October 1996 I was walking through Riverside park with a friend in the early evening. While walking I was surrounded by four police officers. They were pointing their guns at us and told us to freeze mother fucker, don’t move or I’ll blow your head off. We were thrown to the ground with a pistol pointed to the back of our heads. We were left in this position for about 20 minutes. While we were on the ground I heard some of the police officers talking about how we might match the description of who they were looking for. One of the officers told the others, “*It doesn’t matter because these fucking Mexicans all look the same.*” Finally they came over to us and said, we weren’t who they thought we were, so we could go. They told us they were looking for two suspects who had done a drive-by in Midvale. If we had any complaints about the way we were handled, we could contact the S.L. Police Dept. They did not give us their card.”

Anglo Female Participant, Written Statement:

“Because I have a Hispanic last name I have been discriminated against. In 1992 my car [was] stolen from my home during the night. I was [awakened] the next morning by two officers who were checking to see if the car was at my residence because it had been involved in an accident. The police told me the car was involved in a hit and run accident and two Mexicans were driving it. [They asked me if I] knew who they were. I said not, that no one had my permission to drive my car and it was stolen. The car was recovered later by myself when the State Highway patrol called me. They weren’t even aware it had been stolen. It had been abandoned on I-15. Approximately two weeks later my husband called me. I was in Wyoming visiting my family. He said, two detectives had come to our house and accused him of stealing the car. He gave me their phone number, and I called them. The detective told me that my husband matched the description of one of the people who had stolen my car. I told him, “Why would [my

husband] steal my car when he had his own outside in our driveway?” He then said that it must have been one of my brothers who had stolen the car because they were Mexican. I told him, “Oh, really? That’s funny because if I had any brothers, they would probably be Caucasian like myself.” . . . He asked me to contact him if I found out anything else. He called about two months later and said they had not been able to solve the case and were going to close it.”

Youth Participant, Written Statement:

“When I was in the sixth grade I was with a friend and we were messing around. I didn’t know him very well because I was new to the neighborhood. While we were at this house he pulled out a pellet gun and shot me. I became very angry and went to my house and got a knife, went back to his house and threatened him if he ever did that again I would stab him. When his mother got home she called the police. The police came and I was arrested for attempted assault. I served 80 hours of community service and six months of probation. The other boy was not arrested. I feel this was not fair since we both committed the same crime.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Horizonte Training Center Public Hearing
October 29, 1998, 10:00 a.m.
Summary

Horizonte School Lecture Hall
1234 South Main Street
SLC, UT 84101

On October 29, 1998, a public hearing for the community was held at the Horizonte School Lecture Hall. About 100 students, teachers, and community members attended. The following is a summary of the themes discussed at the hearing.

Task Force Committee present

Ms. Susan Burke
Mr. Dan Maldonado
Mr. Filia Uipi
Ms. Haruko Moriyasu
Judge Andrew Valdez

Sub-Committee present:

Mr. Bill Afeaki, Juvenile Committee
Mr. Leam Moeung, Client Committee
Ms. Tina Martinez, Community Resources Committee
Ms. Karen Wikstrom, Courts Committee

Staff:

Mr. Roberto Culas, Courts Committee Volunteer
Ms. Jennifer Yim (Director)

Facilitator:

Ms. Joanne Milner

Issues discussed:

◆ **LAW ENFORCEMENT HARASSMENT**

Perception: Law enforcement officers abuse their power in a system that targets minorities.

Female Participant:

“I was stopped on Bangerter [Hwy.] by a law enforcement officer who was very aggressive and said he stopped me for speeding. I said, ‘That’s impossible, because I’m on cruise control.’ He said he was going to give a ticket for speeding

and that the car did not belong to me. He was going to arrest me and impound the car. My children were in the car. In addition, he called other officers to the scene. I have no criminal record. It seemed as if I had robbed a bank or something. My kids were crying. It was an awful experience. I pulled out the paperwork and the [temporary registration]. [The officer gave me the citation.] The DMV said, 'We are 90 days behind in processing registration that's why the little [temporary] cards are given out, and they know that.' So the DMV reported this officer to some sort of enforcement bureau."

Male Student Participant:

"I was walking down the street on Second South. I had just passed this guy who had asked me if I wanted to purchase any drugs. I told him, 'Get away from me. I don't want that.' An officer pulled over and started speaking to me. He said, 'I have a suspicion that you tried to solicit some drugs to that gentleman.' The gentleman had short hair and looked presentable. I had long hair, and torn jeans and [looked] a little disheveled. The cop pulled me over and made a comment to his partner about long haired hippies. I turned around and I looked back at him and said, 'Look this isn't going anywhere. You're violating my personal rights just because I have long hair and because I have torn jeans. I was not the one who solicited, he was.' They started making a big deal and searched me and I came up clean."

Female Student Participant:

"We got pulled over and the officer looks over at me and Travis [blonde & blue eyed] and says, 'I see you're not wearing your seatbelt. Travis was not wearing her seatbelt either. I asked, 'What about her?' He said, 'I saw her take her seatbelt off.' She admitted, 'Sir, I wasn't wearing my seatbelt.'" He told her, 'Don't argue with me, I'm going to give her the ticket.'"

Male Student Participant:

"A couple of us from this school were sitting on Second South and West Temple. One of my friends was yelling at a cop. The cop started swearing, came out grabbed my friend and threw him against the car. He started searching for no reason. He started asking dumb question. The cop grabbed my friends [Yankee's] hat and threw it on the ground and said, 'Keep this piece of --- off.' He also said, 'Remember my face, because I can get you guys.'"

Male Student Participant:

"A couple of my friends and I were at Liberty Park. There's a bunch of Caucasians around us, skaters, and it was just us three. The police came over and picked on us for no reason. We were just sitting there and the police came to us and they picked us out of everybody else. They pulled us over and they started searching. He asked me, 'What's your name?' I told him, 'My name is [name].' 'You sure your name is [name]?', he [questioned], like my name wouldn't be [name]. He just picked us out and harassed us and I don't think that's right."

Anglo Female Student Participant:

"Both me and my sister had black boyfriends, and the cops started talking crap about how they were black, using racial slurs. We stood up for them and said, 'Well, you can't just say that. They [responded] with, 'Don't talk to us like that because we'll drag your asses down to jail.' We asked, 'Just because we asked you not to use racial slurs?' And they said, 'Yes, we can do that.' I thought that was pretty pathetic."

Female Student Participant:

"My brother had stolen a car. The police were chasing him. He got out of the car and ran. He was running from the cops, and the cop grabbed him and maced him. My brother is 13. He is really scrawny and skinny. My brother would not try to struggle with an officer and [yet] they still maced him. When they wrote their report, they did not say anything about macing him or the ambulance being there or anything. My brother's eyes were red. He was mumbling and saying stuff and nobody could understand. They all wrote down all kinds of different charges on him, but they didn't say anything about the mace."

Male Student Participant:

"We ordered some burgers and some soft drinks at Liberty Park. The lady at the counter didn't have the right order."

I told her she had made a mistake. She got the order. I went back to the counter and she didn't have the order right. I got angry at her and told her, 'I want my money back. I don't think you should take money because I just pulled over and ordered something.' When I got arrested, they had me lying down on the floor for two hours. The officers were asking each other if they had a charge on me. None of them said they had a charge. So in the meantime, I just laid down. They just kept telling each other if they need to charge me. They kept calling down to the office or to the dispatcher and they said, 'If you don't have any charge you release him, but if you do you arrest him, take him down to the county jail immediately.' And after that, they said 'Okay, We'll just put a robbery charge on you.' They handcuffed me and had me stay there for another hour. Then, they had me kneel down for another hour. Finally they said, 'You've got a robbery charge, so let's just take you in.' As I was being put in the car the officer that was putting the seatbelt on me, put a choke hold on me inside the car, and I blacked out. After I came back to consciousness, they were talking on the side of the car. The window was kind of rolled down. One of the officers admitted to the other that he would take all of his people that he arrests, takes them somewhere out in the boonies, beats them up, leaves them there, and he'd just go back to work. He was thinking about doing that to me. He was going to take me and do the same. But then I told them that I heard everything and if I do go to court that I will tell the judge that. I want to know if there is anything being done about that. If nobody tells nobody about it, this cop will severely hurt somebody."

Perception: Probation officer harassment targeting Hispanic.

Female Student Participant:

"I've got a certain individual [who] is on parole. He wants to straighten out. His probation officer is coming over at odd times. Isn't there a certain limit of [what] time that they could come and make home visits? I believe myself that it's more or less a little bit of harassment. He is Hispanic. He does have tattoos and he looks like a gang member. I think the probation officer can come by and check but to actually come in and ask for a urine test at 3:00 in the morning, that's a little ridiculous."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
West Valley City Hall Public Hearing
November 4, 1998, 7:00 p.m.
Summary

West Valley City Hall
3600 South Constitution Blvd.
West Valley City, UT 84119

On November 4, 1998, a public hearing for the Polynesian community was held at the West Valley City Hall. About 20 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Committee present

Jesse Soriano
Filia H. Uipi
Judge Andrew Valdez

Sub-Committee present:

Bill Afeaki, Juvenile Committee
Ginger Fletcher, Pre-Adjudication Committee
Lt. Mark Nosack, Juvenile Committee
Lt. Kelly Rushton, Pre-Adjudication Committee

Staff:

Ms. Jennifer Yim

Issues discussed:

◆ **LAW ENFORCEMENT HARASSMENT:**

Perception: Polynesians are targeted by police simply because they seem to fit the description.

Female Participant:

“My experience with the cops is that they pulled me over for nothing just because I’m driving in an upscale neighborhood.”

Female participant:

“My concern is for our youth. You can have a whole bunch of them together, mixed [with] Caucasians. Why is it that we stick out like a sore thumb and every time maybe one kid does something wrong? It really destroys the rest of our kids.”

Male Participant:

“I have a son that is over at West High. My son always sits in the front row of his math class. He got up and walked towards the door, [where his friend] was sleeping, snoring away. [My son] reached over and ruffled his hair. The guy woke up and said if you do that again I’m going to punch your face. My son turns back and does it again. So he got up and attacked my son so they got into a wrestle of some kind. They stopped it and the other guy was screaming ‘I’m going to kill you!’ The Police came and they locked up my son. They handcuffed my son. This guy was still running around the corridor and they took my son [instead]. They took my son and handcuffed [him]. They were going to take my son and detain him. They gave him a citation for assault. And the officers came outside to see if they were going to talk to the guy, this other boy; they never did.”

◆ DISCRIMINATION IN THE JUDICIAL SYSTEM

**Perception: The court system discriminates against Pacific Islanders & cases are left open.
The Opportunity to comply is not given because of a language barrier.**

Male Participant:

“I’d go through several cases where Pacific Islanders are taken to court because of use of physical discipline, yet many times their cases are left open because the assistant attorney general and the guardian ad litem fear that if they take the kids back to their home that these parents are going to abuse them or even kill them. And so this is just my experience as a worker for the Division of Child and Family Services. I was told by the family that the assistant attorney general did not like the idea of having a Tongan worker work with this family. This family should be able to understand that now they’re in America. They need to learn English and if they can’t learn English they need to comply because they are now here in Utah. There are Tongan workers in the DCFS yet the [assistant attorney general] did not agree to allow a Tongan worker to work with this family.”

◆ COMMUNICATION BREAKDOWN

Perception: Police discount version of incident because of stereotype.

Male Participant:

“My wife and daughter were in the middle lane. The automobile that was behind came right up to them and bumped them maybe about two, or three times. The police came and my wife was telling us that she didn’t feel comfortable with the police. Somehow they were going to file a report and see if they could find some charges or maybe have them give [the driver at fault] some kind of citation. But to no avail at all. They didn’t do anything. So my concern is that many times it seems like we as Polynesians and some other ethnic groups feel that many of the times we are being stereotyped in many ways. So therefore we ask if it’s possible to be given the same opportunity to tell their side of the stories on their side of things without being stereotyped.”

Perception: When dealing with their minors, police discount parents as guardians.

Female participant:

“The police called. And I asked him why didn’t you inform us as mom and dad with her about why they stopped her from going to school? We never knew. He said I need to talk to your daughter. You have no right to talk to my daughter. ‘You have to talk to me because I’m the mother.’ My daughter was never involved in the fight. She was just happening to walk by. She was always a good student. She was never in trouble, but for some reason this police made their own decision and never let us know or call us. That’s my concern because parents are not getting their information. I am very suspicious

about anything happening around here.”

Perception: Legal system does not listen to minorities.

Male Participant:

“There are a lot of Tongan leaders that are passive enough not to come to these public forums and complain. They have more important things [to say, but won’t] because they look at a system that won’t even listen anyway.”

◆ **RECOMMENDATIONS**

Male participant:

“I was a police officer for 20 years over [in New Zealand]. We went through exactly the same problem. Like the birth of anything, it’s painful; but what they did was it had to come from the grass roots because all the bodies that the social welfare department set up never worked. They were Maori people and Tongans that formed their own support groups. In fact, they’re so strong now what they do is they teach their own Polynesian people, young people, how to be self-assertive, how to respond very assertively without being offensive to the police and tell them their rights. It did work because they actually got a lot more people involved. It hasn’t solved the problem a hundred percent but I’ll tell you the problem is a lot less than what it was because there is a network of support groups that are able to deal with [it].”

Male Participant:

“In areas such as West Valley, where there’s a concentration of Polynesian people, is there a drive to perhaps recruit more Polynesian police officers or more ethnic minorities? That would perhaps make communication and liaison between the ethnic groups and the forces and the force officers perhaps a lot more open and on a more friendly basis.”

Male Participant:

“My recommendation would be to go the chief of police himself. Anytime somebody calls our chief of police or writes a letter, he gives that letter or that phone call to somebody in his administration to handle that. He doesn’t send all the way back down to the officer that was involved in the case. Rather he gives it to a lieutenant or a captain or sergeant, somebody in the chain of command to handle it.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Ogden Community Action Agency Public Hearing
November 5, 1998, 6:00 p.m.
Summary

Ogden Area Community Action Agency/CSBG
3159 Grant Avenue
Ogden, UT 84401

On November 5, 1998, a public hearing for the community was held at the Ogden Area Community Action Agency. About 150 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Committee members present:

Mr. Daniel Becker
Mr. Chris Martinez
Mr. Jesse Soriano
Judge W. Brent West
Ms. Jeanetta Williams

Sub-Committee members present:

Mr. Paula Carr, Courts Committee
Mr. Joe Derring, Client Committee
Mr. Edward Lewis, Representation Committee

Staff:

Ms. Jennifer Yim (Director)

Interpreter:

Ms. Rosalinda Alvarez

Facilitator:

Ms. AnnaJane Arroyo

Issues discussed:**◆ LACK OF REPRESENTATION IN JUVENILE SYSTEM.**

Perception: Juveniles are not receiving their rights to fair representation.

Female Participant:

“I’m . . . of the Youth Parole Authority. I am not here in that capacity. I am not here on behalf of the Division of Youth Corrections. I’ve been with the juvenile justice system for 27 years. My concern is that when we all start talking about the disproportionate number of minorities that are addressed in the criminal justice system, you need to start at the juvenile level. I’m especially concerned with the number of juveniles that get incarcerated that are good kids, that are put in the system that have a deprivation of their constitutional rights, that they are not automatically accorded an attorney as they would be if they were adults going to prison. I’m very concerned because now as the juvenile court has this point system or matrix. But the numbers will tell you that the juvenile court now has to consider secure care or incarceration for that youth. I mean, every kid at that point should deserve an attorney regardless of their family’s money. It’s what they have at stake as an individual. Without doing that, you’re going to penetrate those kids into the system. Statutorily, it’s already there, under the ‘Original Jurisdiction Law.’ Any kid who’s gone to secure care after the age of 16, [who] commits a felony is automatically in the adult system with no further address by the juvenile system. Those kids don’t have attorneys when they go into secure care. They’re sitting ducks when they come out. And unfortunately, the same kids that can’t afford attorneys when they go into secure care are, unfortunately, kids of color.”

Hispanic Female Participant:

“You need to take a really hard look at the juvenile court and the Youth Corrections systems. We have young people in there that are scared. Where are our guardian ad litem that are supposed to inform our children of their rights? They are not there. We would like to ask the Task Force to take a look at some immediate action that won’t cost a lot. It doesn’t require a lot of research and statistics. We need some immediate action because this is getting out of hand.”

Female Participant:

“My experience is specifically with the juvenile court system. I had an arraignment that I went to with my son under Judge . . . court. Prior to this arraignment, I had applied for a public defender for my son, who is currently under state custody. I was denied a public defender. I was told that because of my income I was not eligible for a public defender. At the arraignment, I requested from the judge if I could appeal it. When I asked, if I could appeal it, I meant in writing and I wanted to do that privately, the way I had done it initially. He questioned me in open court and made me list very specific things about my personal financial situation. In my opinion he was condescending and he was preachy, and basically everything that I presented to him could not convince him to reconsider my application for a public defender. He asked what types of medication I take, what types of medical expenses I had incurred, what types of credit expenses I had incurred. The whole experience was extremely humiliating, because I had to list in open court these very private things. After this experience he still denied me a public defender. I was counseled to get a hold of the video tape, because it [shows] how he treated me. When I went to get the tape I was forced to write why I wanted the tape. Actually it was an attorney who was able to get me the tape, because they weren’t going to give me the tape. I questioned them why. The clerk told me that I needed to do this in writing and be specific about why because the judge is the boss and the judge needs to know everything. I reviewed the tape and I think it is something you should listen to in private, because it tells how he was condescending and judgmental. As far as I’m concerned, he was telling me that I was a liar and he was trying to fish for assets that I don’t have. I don’t feel that it was appropriate in open court. I was still denied a public defender. My son has to go to court on the 9th, and I still don’t have an attorney.”

◆ RECOMMENDATION:

Hispanic Male Participant:

“It appears that in this case there’s some confusion of who is needing that attorney, not the parent, but the child. It may

not have been presented correctly to [Presiding] Judge . . . , and that may be the issue here. There are two defenders in the system, one for the parents and one for the child. I imagine if some one would contact Judge Andrus and make that clear, that he would reconsider his decision.”

◆ **HARASSMENT AND HUMILIATION IN JAILS & PRISONS**

Perception: Prisoners are being held under inhumane conditions.

Female Participant:

“The public defender said nothing in my defense. [Yet] I’m still obligated to pay for him. I was in Farmington jail. They are given money to house us [yet, circumstances] are unbearable. They want us to come out and be human beings, but they treat us less than animals. They offer no programs or any kind of rehabilitation. I have no paperwork from anybody; not the lawyer; not the clerk; not anybody. I don’t know what my fine is exactly. There was a lady there from Mexico. She’s working for, I think, Channel 4. She was working on getting her papers for a year. They arrested her. She’s been there for two years. Immigration hasn’t talked to her. She doesn’t know what’s going on. And she has sat in Farmington jail not knowing what she’s doing, where she’s going. They won’t give her any answers or tell her anything.”

Anglo Female Participant:

“I’ve witnessed situations in Weber County Jail, particularly to minority people [that] are belittled, laughed at and mistreated. I have no faith in the legal system.”

Hispanic Female Participant:

“At the state prison right now in the Promontory area, they are being frozen, they’re cold, they have the temperatures down on purpose. They are not feeding them. They are being told that if they write to the ACLU they’re going to be in a lot of trouble. They are told that they cannot take phone calls from their families. If they are sick, they’re not being provided the services they need.”

Female Participant:

“My son got arrested by five police officers, and all five beat the hell out of him. They beat him so bad that they broke his knee and they broke his jaw and they busted his ear drum. They took him to the hospital and had to do emergency surgery. After they released him from the hospital, they put him back in the ambulance. While en route from the hospital to the jail, the officer riding with him in the back, beat the hell on him again with his night stick. When he got to jail, they refused to give him his medication for his pain. They wouldn’t let him walk on his crutches. While in prison, he was bitten by an inmate with hepatitis. They wouldn’t give him medical treatment up there until I called and told them I was doing to file a civil lawsuit against them. Today my son has tuberculosis because of another bite and they did not do anything to help him. When Judge . . . sentenced my son to prison, he really literally laughed at him and called him a ‘spic’ and the jailers there called him a ‘wetback’ and told him he was nothing but another statistic. They have no right to treat our kids like that.”

◆ **LAW ENFORCEMENT ABUSE & HARASSMENT**

Perception: Hispanic women are assumed to be “criminals” and are therefore harassed and abused simply because they “fit the description.”

Hispanic Female Participant:

“In May, I was arrested for something that I did not do, and I sat in the holding cell for six hours explaining to the people that it wasn’t me. They obviously had the wrong person. The address was wrong, my social security number was not on there. They told me my bail was \$672, cash only. So I was making calls to my family, trying to get them to get the money together. I was nursing my baby and they wouldn’t let her come in. My baby was allergic to all of the formulas. She went 22 hours without eating. She lost weight. My sister showed up at the jail at 3:00 in the morning with the baby and a note from the doctors, and they would not let her in through the doors. I had to go through the humiliation the following day of being shackled and going in front of the judge. Finally, they let her come down to feed, once we told them that we were going to involve the *press*. The jailer that went and sat down with me finally listened to what I was saying, the story that I was home, that it wasn’t me, that at the time I was pregnant. It was intoxication and assault charge.

She decided to go look up the original arrest, mugshot, and when she seen that she realized that it was not me. That's all they had to do was listen to me the night. It was Sunday night and they only had three other people in there besides me. I honestly think that the city that originally sent out the arrest warrant should have investigated it better. When she got arrested under my name, they should have check the fingerprints. They never bothered to do any of that, because the warrant would never have been issued under my name."

Female Participant:

"I'm an employee here at Ogden Area Community Action. I was pulled over and the [officer] didn't tell me why he pulled me over. He asked for my license, my registration, and my insurance card. I gave it all to him. He went back to his car. He was there for a little bit, came out and walked around the front of my car. Then he said, 'I pulled you over because you don't have a plate on the front of your car. Is there any reason for that?' I said, 'Well, my car was repaired and it just never got put back on.' Then he told me, 'Why weren't you wearing your seatbelt?' I told him, 'I was. I always wear my seatbelt. I just popped it off because I pulled into the driveway.' Then he said, 'Okay' and walked off. Another Highway Patrolman came, and he said, 'You're under arrest.' 'For What?' I asked. 'You're under arrest for theft.' And I said, 'This is a mistake. It isn't me.' He said, 'Put your purse down. You're under arrest for theft.' I said [again], 'This is a mistake. You've got to let me call my dad or somebody, because this isn't happening to me.' I was just really shocked. The other highway patrol man came over and asked for my Social Security card, so I gave it to him. He went and came back and said, 'It's not her.' And he said, 'There is somebody who has your exact name, exact birth date, exact description, who is wanted for theft. 'You need to get this straightened out because you're lucky I didn't take you to jail, because next time you get pulled over you are going to jail.' So I filed a complaint with the Highway Patrol office, and I was told, 'It's his word against yours, and we're going to take his word.'"

Perception: Law enforcement officers target minorities and abuse their power.

Hispanic Female Participant:

"Officer . . . went up to my kid and twisted his arm. He ran to [me]. Then he accused me of contributing to a minor. He pushed me out of the way and twisted my son's hand. The rest of the family came out to see what was going on. By that time he had his hand way up to almost his neck. He called the whole police force to Adams street. I called for a tape, a record or something because he called it a 'riot.' He said, 'And these Mexicans are out of control.' As far as I know, he's a Mexican himself. I understand their job but [not] to come in there and to harass us that way."

Hispanic Male Participant:

"I think my boys are being harassed my Detective One of my boys has a low-rider. So I guess if you've got a low-rider you're automatically a gang member. That's what the officer states, every time he seen them with the roll bar or something, they get pulled over for nothing,"

Female Participant:

"I was walking into Macey's, I see a white man on a bike and the police stop and went in there. A security guard pushes me from behind and says it for my protection. I tell him, 'You don't have to push my kids, nor me.' The policeman wanted to talk to me; I told him I didn't feel like talking. Customer Service told me they wouldn't serve me because I was not cooperating with the South Ogden police. I said, 'Man, if you all had a rope right now I think you would just go ahead and hang me right now. When I came here to Utah I didn't think I was going to go back 20 years.' They told me to leave. The man had a stick in his hands, waving the stick, hitting like this, 'Get the hell out of here, you prick!' I wanted to cry so bad. I told them, 'You are nothing but racist pigs.'"

Female Participant:

"I'm here tonight to speak about a bi-racial grandson I'm raising. The white boys [in the neighborhood] all ganged up on him, about 20 of them, drug him through the street, run over him with bicycles. I called the police department. They were too busy. The law, they did not want to help this child. He sat there on the couch begging the officer, 'Please help me. These people hurt me.' I told the cop, 'You're a racist.'"

Female Participant:

"We had an incident of where something happened about two weeks ago, a shooting. My concern is that there was two

detective at Ogden High School questioning my son about it. He refused to talk about it because he wasn't there. They had proof where he was at the moment. The two officers harassed him and told him how easy it would be for them to plant drugs on him and get him to go to jail. Two gang detectives: One is [named] . . . , I didn't write the other down."

Vision Impaired Female Participant:

"Being a minority is bad, but being disabled is even worse. The police came into my apartment. They knocked in my door. I asked the commander in chief who was that officer. He couldn't understand why I wanted to put in a complaint. Later I found out the reason they were in my apartment was that they had the wrong apartment. But I didn't get no apology or anything."

Female Participant:

"In 1995 my house was surrounded by Ogden Police Department, maybe 30 or 40 officers. My husband was pulled out of our house with a gun to his head. My mom was passed out next door, lived right next door. My little brothers were hyperventilated and passed out also. They didn't know what was going on. There was a misunderstanding of addresses. There are a lot of stories like that around here. They are not doing their jobs the way they should. They're supposed to protect and serve us as human beings, as people."

Female Participant:

"I have a multi-cultural family. I'm white. Its sad to be driving in the same car and get stopped by officers that say, 'Why you're a n-i-g--' It's very offensive. I don't like those words. It's sad to watch, to have people put in jail, 'Well, he's nothing but a gangbanger.' If we don't work together with these teenagers coming up, where is everybody's future going to be? We need to give them the help that they deserve."

Female Participant:

"I got a phone call that my daughter had gotten stopped for a DUI. The officer got her out and searched her. And she said, 'You're supposed to have a women officer search me.' Well, they harassed her for that. And she was crying when I got there. She told me, 'He was feeling me up, Mom. Don't let him.' And I couldn't do nothing. He wouldn't let me. He asked me for my license. He said was holding it and that I could go pick it up down at the police office. So he took my license. I never got my license from him. I went down there, I didn't get it. I had to go through the whole [application] thing again."

Hispanic Male Participant:

"At the request of . . . and his family, I'm going to speak on their behalf. You've probably read about it in the Ogden Standard. The bailiff had an altercation with some people in a four-by-four, and they were swearing at each other going down the highway. Mr. . . . observed it, and like most youth, stuck his nose where it shouldn't be, and followed them, hoping to see a fight. The other car got a way. Mr. . . . turned to leave also. The bailiff was unable to catch the four-by-four and followed Mr. . . . The bailiff accosted Mr. . . . in the street, pulled him out of the car, kicked him in the stomach, twisted his arm, knocked him to the ground, broke his glasses, and left him there. I personally called the city attorney when I read about this case, because I didn't think it was fair, and the response I got right from the city attorney was, well, they just weren't going to prosecute. As far as we know, nothing's happened to the court bailiff."

Perception: Law enforcement goes by a double standard with respect to those who fit the category of a non-minority.

Hispanic Male Participant:

My comment is coming from a different perspective. I have a nephew, and he is half Hispanic but he's got blonde hair, blue eyes, white skin. I don't believe he could fight his way into jail. He cannot go to jail. He steals, he does drugs, he's attempted murder, assault with a deadly weapon. I've called spoken to several police departments and tried to get him arrested. They said, 'Were not interested. Leave us alone. The jails are full. We don't care.' I want to know why there's that double standard, when you've got a little blonde hair, blue eyes. And yet everybody else goes to jail for spitting on the sidewalk or something. There's something really wrong."

[A question and answer period following this statement included the participant's comment that his nephew's last name is not a Hispanic surname.]

◆ **DISCRIMINATION FROM JUDGES**

Perception: **The potential misconduct of a judge is seen as violation of the right to an impartial jury.**

Female Participant:

“The jury had to go out and make a decision on what was supposed to be said, if I was guilty or not. Well, while the jury was out, this judge, supposedly no one is supposed to go in the room with the jury. This judge, he, himself, went in the room with the jury to help the jury make the decision.”

Perception: **Inequality in sentencing in the legal system is a result of the prejudicial biases against minorities.**

Male Participant:

“I sit on the Ogden City Council. I also work for the Weber Human Services. I received a young man who got his first time DUI in Tooele, .04 BAC [Blood Alcohol Content]. How can they prove impairment at .04? This man was told by the public defender to plead guilty so [he] could go to work the next day. This individual was given \$2,000 fine, was give 240 community service hours, and six weekends in jail. In a small city south of us, an individual went to court with five counts of DUI. This gentleman was Anglo and he was fined \$250-\$300 and 32 community hours. Where's the equality in the justice system?”

Hispanic Male Participant:

“The judges look at the people who don't have a lot of money and they make assumptions. What happened was the testimony of the insurance adjuster was that their car had 92,000 miles on their Toyota. The judge found that that couldn't of be right because they had an old car, it must have had 192,000. So in his opinion it had 192,000. So in his opinion he put it as 192,000 miles on it, and gave them \$900 for the [car]. That's what he said was their loss. They appealed it. The appeals court said, ‘We agree that the trial court was clearly erroneous finding the age of the car was 192,000 miles. This finding has no basis in evidence.’ But what they said to the [family] was, ‘Even though we find that it had 100,000 miles less, this still is an older car, so we're not going to give you any more for it. It doesn't matter if your car had 92,000 or 192,000 it still only worth \$ 900.’ Now, that seems to defy all logic. Are the judges logical in this situation, or do they assume, because the [family] had an old car, that somehow it was worth less to them so it would be worth something to someone else? Because \$900 to a judge or to an attorney or to the people of this panel may not be much, but to the [family] at the time it was quite a bit, and it was the loss of their only car.”

African American Male Participant:

“I 've had two trials, small claims, [that] I appealed. I am really intending to carry this as far as I can. The judge in the first trial said, ‘I don't know what Mr. . . . was talking about.’ I told the judge, ‘All you've got to do is read the police report [re: automobile accident].’ He said he did not want to read it. When I asked why, he said, ‘I don't have to.’ The judge also stated the guy had spent \$500 of money out of his pocket, and he wanted me to reimburse him. I asked him did he have a receipt, and before he could answer, the judge said, ‘He don't need one.’ So I carried this all the way down through the Judicial Conduct Commission. I've given a statement, and we haven't gotten any answer from them yet.”

Hispanic Male Participant:

“I was assaulted by four individuals back in 1977. It would be considered hate crime nowadays. As of late, I was accused of a domestic assault, which I went to court and represented myself. The judge found me not guilty due to the testimony of the individual I supposedly assaulted. And he said, ‘I have no doubt and feeling in my heart, and my gut instincts tell me that Mr. . . . coerced you to change your story but under the circumstances and your testimony, I find you not guilty.’ That's fine but now she's facing charges for filling a false police report. She suffers from seizures. The police didn't want to check anything as far as her mental state. We even went to [the judge's] office, and he actually sat with his feet up on the desk talking out of the side of his mouth to my companion, showing no respect for her as a woman. And he said, ‘Well, one of you is going down. You change your story, I'm going to burn you.’ This has been something that has

been going on for a long time, especially with Judge . . . , and the way he presented himself in the court room the other day was completely and totally unprofessional.”

◆ **LACK OF FAIR REPRESENTATION**

Perception: **The court system discriminates against minorities.**

Hispanic Male Participant:

“I have been incarcerated from September 1st 1998 to October 30th in Weber County jail. My only crime is for kicking an inanimate object, my own TV, which we watch today. My plea is for myself, for my family, and for the taxpayers. My rights to a fair and speedy trial was all that I was asking for. The injustice came with the unorganized judicial system, red tape I was caught in, and the biased opinions and racism. I was given the [run-around] from South Ogden court to Ogden and back to South Ogden court. I stood before Judge . . . and she said I had to go to AP&P. Finally I stood before Judge . . . , she gave me fines and fees which I had to pay back. One was \$250 for a public defender, which I did not have. I represented myself. I have documents stating that. I don’t feel it is fair, being that I have to pay for something that I did not receive.”

Female Participant:

“Our nonprofit has received a lot of cases with juvenile that because they’re Hispanic they are treated unfairly. Right now we’re working with three other Hispanic cases, and we’re seeing that there is a lot of discrimination with the attorneys but especially public defenders. What we are concerned about is can they let this attorney go and retain another attorney, and if that’s the case; can they get their money back? The attorney did not do his services as he should have.”

◆ **RECOMMENDATION:**

African American Female:

“If you feel that the attorney didn’t do what they were supposed to do, there’s one recommendation, and that would be to contact the Bar, the Utah State Bar.”

◆ **DISCRIMINATION IN THE WORK PLACE**

Perception: **Racial discrimination exists among court employees.**

Female Participant:

“I was promoted to the chief deputy clerk in the Second District Court. A Native American individual walked into the file room, and a Caucasian individual alluded to the fact that she was a looking for her liquor and was drunken Indian, and so forth. She was not directly under my supervision at the time. I was the supervisor of the individual that made those comments and I called him into my office. His comment to me was ‘I didn’t know it was wrong.’ Six months later, this individual was under my supervision and in addition the Native American individual was as well. In a staff meeting he alluded to it again. I was furious and put a written reprimand in this individual’s file. And Mr. Becker, I will address this specifically to you, because I think that the management operation of the judicial system, we need to be aware of these things that are happening, to step in and do something because its wrong. It is according to the personnel and policies and procedures.”

Perception: **Court employees witness discrimination in the criminal justice system.**

Female Participant

“I’ve worked for the Second District Court for 23 years. I’ve seen a lot of discriminating with women, minorities, religion. Utah hasn’t gone back 20 years, we’ve gone back 30. Our law enforcement, they are just new law enforcement, but they’re still just as mean. You can’t make a complaint because they are not going hear you, and you know that. I’ve seen it with the parole board, the prison, the judiciary, and I’ve seen it with the AP&P.”

Female Participant:

“I’ve been working with the courts since 1979. I have experiences with my color of skin and hair. I’ve wanted to learn and move on to different departments. I’ve worked in every department there is, yet I’m considered a trouble maker [compared] to another worker whose stayed in the one position her whole life. She’s been given incentive awards and better treatment. I’ve known I’m one of the best workers there is, but I’ve noticed they’ve always treated me different with that.”

African American Female Participant:

“I came to Utah, to the Hill Air Force Base. I was in command of an office. I have experienced discrimination. What I’m looking for is I need someone in the community to get some help, because I’ve tried every route in the military. I tried to believe in the system, but there’s lot of minorities in the military who are scared to take it up the channels because of retaliation.”

◆ **LACK OF REPRESENTATION IN THE LEGAL SYSTEM**

Hispanic Male Participant:

“There are no minorities in the clerk’s office, or as prosecutors. There are people who don’t speak a second language. They become frustrated when they’re asked for information. There are clerks that believe that it’s their right to deny you public information. There are interpreters in the First and Second Districts that are not certified and haven’t taken and passed the test. I’ve run into interpreters who blatantly take the side of the law enforcement when they’re interpreting. Part of the [problem] is because we do not have minorities working in our court system, period. It’s based on stereotype, on the fact there is a fear that once you hire one you’ll have to hire others. Until you fully integrate the system, until this committee decides that they’re going to be part of that solution, then we’re going to have this bifurcation and polarization in the community.”

Hispanic Female Participant:

“We talked about hiring problems with the courts, and I’m talking about Ogden. Bilingual information for those that get arrested and taken to court are not provided. It is coming to our attention that they are not given that information in Spanish. A lot of times you will find individuals that are illiterate in Spanish or English, and their rights not being read or explained to them. With the interpreters of the court, LDS missionaries come back and they take precedence over any of our Latinos that are clearly qualified to be interpreters in the court. The [return] missionaries get the jobs as interpreters and they’re not necessarily licensed or qualified. The very important part of interpreting is to know the slang. Most missionaries are taught Spanish but not the slang.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM

**The Utah State Prison Hearing, Draper
Wednesday, November 18, 1998, 6:00 p.m.
Summary**

Utah State Prison
14240 Pony Express Road
Draper, Utah 84020

On November 18, 1998, a hearing was held at the Utah State Prison for minority inmates at their request. A number of inmates involved in a project for their Utah State University extension course sent a petition to hold the hearing. An election for inmates was held to vote on individual representatives to address their collective issues at the hearing. A total of 22 inmates spoke.

Task Force Members present:

Reverend France Davis
Mr. H.L. “Pete” Haun

Sub Committee Members present:

Mr. Jesse Gallegos, Post Adjudication Committee
Mr. Russ Hagood, Juvenile Committee

Mr. Haruko Moriyasu
Mr. Judge Tyrone Medley
Mr. John T. Nielsen
Mr. Michael Sibbett
Ms. Jeanetta Williams
Ms. Filia Uipi

Mr. Keith Hamilton, Courts Committee
Mr. Edward Lewis, Representation Committee

Staff:

Ms. Jennifer Yim
Ms. Claudia Galvez
Mr. Donald Gray

Issues discussed:

◆ **POLICE HARASSMENT**

Perception: Police perceive minorities as a target group when stopping and arresting individuals.

African American Male Participant:

“I myself have been pulled over numerous times as a black man driving a Saab in an east side neighborhood. The reason, when I asked the officer why I was pulled over was, ‘Your car matches the description.’ The second time I was pulled over, ‘You match the description.’ The third time I was pulled over, somebody called because of a suspicious person in the neighborhood. Two of those we checked, I matched the description, there was no record of the dispatch logs. There was [a record of a] suspicious person. I lived in the neighborhood. This happens not only to blacks, but Hispanics, often times are stereotyped because of the car that they drive.”

◆ **LANGUAGE BARRIERS WITHIN THE COURT SYSTEM**

Perception: Reasonable representation and rights are not given due to communication problems.

Polynesian Male Participant:

“The problem of communication is present throughout this judicial and correctional system. There's a good chance that we'll be discriminated against because of the inability to understand. When they come from the court system, all they know is they got a white public defender, who talks them into a plea bargain.”

◆ **DISCRIMINATION WITHIN THE COURT SYSTEM**

Perception: Stereotyping of minorities results in unfair sentencing.

Hispanic Male Participant:

“When you walk into a courtroom, you're already stereotyped as a troublemaker or a gangster because of your name. Why should I be prosecuted differently, spoken about differently, or given longer sentences because of my race?”

Perception: Unfair trials occur due to racism.

African American Male Participant:

I know my trial wasn't fair, I know there are discrepancies within the structure, and I know I do want a second chance at life. I had a trial in Parowan, Utah, and there was a jury trial before members of my peers. Unfortunately, I was the only black in the entire room. And being from the South, that's pretty frightening. I'm glad we can laugh about it now, but I was very afraid. The man who had assaulted me and who consequently filed charges against me was an ex police officer, ex Vietnam veteran, and I was trying to prove that I did attack him in self-defense. I was very disappointed that this jury of my peers found me guilty of the charge. I filed several complaints and several writs to no avail, so I finally went before Mr. . . ., he gave me a rehearing. It's been several years. I came here in 1984 and I've been here 14 years. I'm a Vietnam veteran. This is the first time I've been incarcerated, and so it has been very traumatic. I had a minimum mandatory ten to life. I was not given a plea bargain. I professed all of my crimes because I was tired of living the way

I was living. And a detective assured me that because I cooperated, because I was a veteran, because I had helped them clear up a lot of the problems and that I was willing to be in treatment and that I had documented post-traumatic stressors, that he would be okay with my doing five years. When they took the plea bargain before the judge, who's dead now, I was sitting in the back room and I heard him say, 'This is black and white, so what do you expect me to do? I won't accept it.' And I've been here ever since."

Perception: African American males are punished unfairly throughout a legal system that racially discriminates against people of color.

African American Male Participant:

"I have been under the jurisdiction of the Utah Department of Corrections for 17 years. During that time I have personally experienced or witnessed a legal system that shows indifference, blatantly discriminates and devalues African Americans solely because we are not members of the dominant culture here in Utah. From the moment an African American comes in contact with the Utah legal system, we are presumed guilty of crimes we are charged with. Police officers' instincts are trained to perceive clear and present danger when encountering black American males, though no black has ever been convicted of killing a Utah police official. We are frequently overcharged when booked into a county jail. Public defenders routinely advise African Americans to plead guilty to overcharged crimes. State paid attorneys also inform African Americans that, quote, 'You are black in a white LDS state, and you will be convicted if you take these charges to trial.' We are coerced into pleading guilty with threats of receiving the maximum punishment the overcharged crime carries. Your lawyer will tell you that you should plead guilty to a 1 to 15 sentence when in essence your behavior only substantiates a zero to five sentence. If you are uneducated or come from a background where you don't understand the judicial system, you will be abject to fear. Conversely, public defenders assert that if we do plead guilty that we will be given probation or spend less time in prison. In 17 years I have met less than five African Americans who received probation, and the statistics show that we spend the highest amount of time per crime than any other group in prison. Trials are inherently against African Americans in Utah. First, we seldom, if ever, are judged by a jury of our peers. Blacks are excluded from juries through the use of the peremptory challenge. Our evidence and witnesses are disparaged based on their origin instead of its merit. Judges originating from the dominate culture in Utah, more often than not rubber stamp the proceedings and finalize the warehousing of us."

◆ RELIGIOUS DISCRIMINATION WITHIN CORRECTIONAL FACILITIES

Perception: Corrections officials lack of training results in disrespect toward Native American religious rights.

Native American Male Participant:

"I haven't been treated fairly because I have documentation saying that I'm approved to have these items [prayer bag, medicine pouch, etc], but then when I go into a more secure area they think that it's either a security threat or it's something that they don't understand, so it's taken away from me, and now I have nothing that links me to my religion or my higher power. I have no connection. I'm being discriminated against because I'm Indian for having these items that no other person or other ethnic group has. A while back, in the early 90's I was brought to maximum security because I wouldn't cut my hair because I was Indian. We fought, took the case to court and won. We did alter the grooming standards to where I can keep my hair. But why was I taken to maximum security for that amount of time and for being the person that I am? I'm not going to apologize for being Indian."

[A question and answer period that followed this statement included the participant's comment that he was denied access to religious leaders, when all other races have that opportunity.]

Native American Male Participant:

"At Gunnison they did not only look upon the Native American religion as a true religion, but they helped and encouraged the brothers on our spiritual paths because they have seen serious changes not only in myself but other brothers' attitudes as well. Here at Draper, the staff and on up seem like they don't care if there is a Native American program going on or not. We have a racial conflict going on where the native brothers are being denied what has already been fought and won in the court systems. And it seems that the only place this is happening at is here at Draper. It's always good to pray to

whoever God you're praying to, but we are not Catholic and we are not LDS and it's not our native way. We do have a site here on these grounds at the correctional facility here, but we don't have access to these sites on a regular basis. We have written letters, talked to people that run the religious programs here, but to no avail. We always get the same old line back: we'll get back to you. We need, just as they do, to pray to our creator on our sacred grounds, and we need this on a consistent basis”

Native American Female Participant:

“I'm here for the Native American women. We're not allowed to have our sweat lodge or our talking circle or the pipes for pipe ceremonies. We're not allowed any of this, and this concerns me. I've [been] fighting for this since 1994. We have always been told no, no, no. In '97 we got a sweat lodge built that has never been used. The land has been desecrated so many times that even if we wanted to use it or got cleared to use it, we couldn't use it. We feel like we're being discriminated against. The men are allowed to do their sweat lodge and talking circle. They have a sweat lodge, and I don't understand why we can't have one. We had two people coming in to do the talking circles, and they quit coming because they were so badly treated by the rude officers. And we haven't had anything going on for years. I've wrote to tons of people. I mean, I've wrote to Washington. We're supposed to be allowed to have this. The women are being totally discriminated against.”

◆ **LANGUAGE BARRIERS WITHIN THE CORRECTIONAL FACILITIES**

Perception: Minorities are given unfair punishment and are defenseless because of language barriers.

Polynesian Male Participant:

“When they are brought here, they look down at them because they don't really know how to speak English. It's pretty clear that all minorities here are being treated differently. The discrimination that we get from them is that if you are a minority and you get a writeup, you're already [considered] guilty before you get there.”

[A question and answer period followed the participants’s comment that included he gave the Board of Pardons a list of witnesses, and they were not called on his behalf.]

Asian Male Participant:

“There is no other Asian where I'm at because the officers won't put us together because they think we are troublemakers. Some of my people don't speak English. I just barely know how to speak English, but some of my people don't know how and they need help. They put me in maximum security more than a year and a half now. There's no program for us or jobs and so we're stuck here. We never have a chance to file a grievance. We don't understand the law and it gets us in trouble. We deserve to learn something in here so we can get out and have a better life. If me and a white guy fight, the first person they're going to put in maximum security is me. I'm the one that's going to go first.”

[After the participant statement, a fellow inmate stated that there are no Asian speaking staff there whatsoever. Since there is no communication, there are unfair writeups that result in another year in maximum security with no rehabilitative resources available to Asian inmates.]

Hispanic Male Participant:

“We're unable to speak our language over the phone unless approved by the administration now; if I was to call Mexico or something to talk to one of my relatives, I couldn't speak to them in Spanish unless I got authorized. They don't understand English, you know what I'm saying? [Non-English speaking Latinos] are told fill out this form, fill out that form [so they can make a telephone call.] If they would have been able to fill the forms out in the past, they probably wouldn't have been here.”

Perception: People of color, whose native language is not English, do not have the opportunity to attend the rehabilitation programing that is crucial for release.

Hispanic Male Participant:

“My people are going through pretty bad things right now. That's what I'm here to explain. First of all, there's people in here that don't even speak English whatsoever, and just for the fact that they cannot communicate with an officer, that doesn't mean that they're less than anybody else. When you go talk to them, they don't know they're supposed to be there to rehabilitate themselves. These people can't communicate with anybody, they're just there. They don't have any type of programming; no classes, no school, nothing like that. How can you expect an individual to be rehabilitated, when he's not getting the type of help that he needs?”

[A question and answer period followed this statement that included the participant's comment that the Hispanic population is denied opportunities to attend rehabilitation programs, and there are no staff in maximum security who speak Spanish who can talk to these inmates.]

Hispanic Male Participant:

“We feel the culture differences between the staff and the inmates need to be addressed. We feel that the programming staff doesn't have experience dealing with the culture differences of the Latinos, especially the foreigners from Mexico, Cuba, El Salvador, down south, wherever. Because of the differences, Latinos suffer from a sort of culture shock. They're not able to perform well in the therapy groups because they can't understand.”

◆ RECOMMENDATION

Hispanic Male Participant:

“One possible solution we would like to recommend is to hire a more culturally diverse programming staff. This would make it easier for the Latinos to excel in their program.”

◆ DISCRIMINATION AGAINST MINORITIES WITHIN THE CORRECTIONAL SYSTEM

Perception: Access to basic hair products needs for African American women are being denied due to cultural differences.

African American Female Participant:

“I'm speaking for the black community. We feel racially discriminated against when it comes to our hair. We never get a chance to press our hair. We only get to press our hair once a month, which is a long time. Everybody else gets to go to hair care once a week. When we tell them about our hair, they don't care. They don't have no hair products on commissary for us. When we asked, one officer made a statement and said that we weren't supposed to have been born because they don't like the way it smells when we do hair presses. One of them will say, ‘Where is that smell coming from? Well, use the iron.’ They are very rude. We wrote NAACP. We talked to the warden. He said they talked to the commissary and they always say it's coming, but it never gets here. Then they tell us that if your family gets it, it will go to property. If we go through property and the family send it, they deny it.”

Perception: Polynesians are discriminated against because of their physical stature.

Polynesian Male Participant:

“As some of you know, the Polynesian people are big in size and we have an intimidating look to us which we were born with. The Polys feel that they've been discriminated by the system and the officers. No matter how I present myself or how I come off to officers, I'm still [considered] this gang member and I'm still this big or intimidating guy. That's most of the problem that we've been going through. When one Polynesian does something over there, we're all judged just the same. We're all individuals; we should all be judged by our own actions. We have a reputation. I saw two other inmates get in a fight, a Polynesian jumped in to stop it, and he got charged with a B1. The officers can use the system against us. My people are discriminated against this way.”

[A question and answer period followed this statement included the participant's comment that even though his Caucasian cellmate admitted guilt to jamming the door, he was punished because he is Polynesian and the jailer would not believe he was not guilty.]

Perception: Minorities are discriminated against and punished unfairly.

Hispanic Male Participant:

“When you get written up by an officer, you’re automatically guilty. I was written up, sent to maximum security, and I wasn't even guilty. I had to wait six months in maximum security before I was found not guilty. It's ridiculous. The police just find you guilty when they write you up. There's no due process. I did a little study myself and I found that 5 percent of the Utah population is Latino. Eighteen percent of this prison population is Latino. Latinos have more convictions [per capita] here in Utah.”

African American Male Participant:

“There's a buzz circulating within our community, and it has been circulating for the more than ten years I've been here. It says if you're a minority you've got nothing coming. You will do more time. This buzz is pervasive; consequently, there's little incentive for a minority inmate to address his core issues. He opts instead to become more hostile, more rebellious, and more despondent. The by-product of such is a mismanaged, out of control person who revolves in and out of the system at a tremendous cost and danger. I have letters here, and I've placed them in the box, from inmates, minorities, who are hurting and frustrated. Seemingly, we, have no meaningful challenge to address the hurts or the disparities. It has been my personal experience to trust this paramount to change. I have to trust the system. We acknowledge that we don't know what fully contributes to the time one inmate receives versus the time another inmate receives. We've asked you here as a reality check upon our senses, are our eyes and our senses deceiving us? When we gathered information to substantiate our premise, there did indeed appear to be an obvious disparity. I'm a product of the 60's. It pains me dearly to think that we as a people have not moved very far forward with our people issues. But I do realize that there are issues that seriously need to be addressed if we are going to work together as one whole unit who are trying to solve one whole problem, that is, to reduce the recidivism and continue to make Utah a safe place. I think we all have that same interest, and I would like to see it happen.”

Perception: Minorities are not given a fair chance to participate in the education/treatment programs.

Asian Male Participant:

“I just barely know how to speak English. Another Asian and myself did high school [courses]. We did self-study. One day, we just got dropped out [of the program]. We don't know why. The teacher did not tell us why. Nobody would tell us why, so we asked the other students. They just said because we're not American Citizens, we can't do high school [programs].”

African American Male Participant:

“Upon arrival at the prison we are instructed to participate in programs to rehabilitate ourselves. Currently the Utah Department of Corrections programs lack efficacy for blacks, as evidenced by a 90 percent recidivism rate. Like Utah juries, prison programming staff fails to proportionately represent African Americans. Further, availability and content of programs are skewed towards members of the dominant culture. Though African Americans comprise eight percent of the prison population, only 1 percent of blacks are accepted into programs. The rest are placed on lengthy waiting lists. The irony is if prisoners do not participate in programs, your sentence will be extended or you will not be eligible for parole.”

African American Male Participant:

“The issues that I was chosen to address are issues dealing with adult probation and parole and law enforcement officers. As a black man living in this state, I consider myself lucky because I was well educated. Generally blacks within the prison have low education levels and have never had jobs where they have been put in high responsibility areas. A Department of Corrections representative said, ‘It was very important to understand that your parole officer is not a caseworker, not a counselor, not a marriage counselor or a clergyman, your PO is a law enforcement agent.’ By the job description, that's probably true. To a person getting out on parole, this person having the responsibility to violate or send this person back is oftentimes scary. The fear that most parolees have in getting out of prison is the fear of being violated. For minorities, it's the fear of being violated because they are a minority or being violated that they aren't going to have

a job that is going to keep them out. The people that are getting out of prison, want to leave this place being a better human beings. In order to do that, inmates need to be taught vocational skills and vocational training. They need to be taught that they can survive. Being a minority in a white majority state often makes a minority feel inadequate. But if they are taught that they will amount to something, that's going to help them along and it's going to lower the recidivism rate. And I think it's going to alleviate some of the fear that's present not only in this state but in this country and in the world.”

African American Male Participant:

“My main concern is that they can give you any little thing to get you to the Uintas. They justify it with a No. 7 override, which is, a severe management problem. But when you get there, there’s nothing you can do. There's white supremacists over there [in the Uintas, maximum security], there's not a lot of black gangs or Mexican gangs or any gangs over there, yet they don't have a problem with putting the white affiliations together. They have swastikas all over the neck and everything else. But anytime I ask to be with my cousin, or this person has to be with his people because he can't speak English, to avoid complications or altercations with officers, they say no because he's affiliated this way or that way, when sometimes there's no affiliation at all. You need your programming to get out of there. They give [preference to other races] before African Americans can do programming.”

Perception: The inequality of response to complaint(s) of a Hispanic female in comparison to Anglo female counterpart is viewed as racial bias.

Hispanic Female Participant:

“I feel I have been mistreated when back in June I was at Promontory correctional facility and we had a random urine for all the females. A female officer that was doing them was holding the cup for us. In the ten years that I've done time, no one has ever held that cup for me. Well, I couldn't urinate because I was so nervous and I just couldn't do it because the lady had her hand right under me. This white female [experienced] the same thing happening to her. She grieved it as I grieved it. She got a response and I never got a response. She got a letter from Chief . . . that was running Promontory Corrections, saying that she had informed her that the officers had been notified not to hold cups for the inmates while doing UA's. Well, she went to see the lawyer. She was told that she had a good case due to the papers she received from Chief . . . stating that she had already spoke to the officers. I never acquired those statements from the chief. I haven't received nothing back. I feel that I was discriminated because I'm a minority and she was a white female. They looked at her [complaint] more than they did at mine. I'm still fighting. I still want to see a lawyer about this. I'm going to follow it all the way through. I want to discuss is time cuts from the Board of Pardons. This white female was just paroled last Tuesday on an early time cut, an earlier termination. They told us they were not doing that anymore. Well, she just got out last Tuesday and she has been here six times since I got out. And her restitution was \$550, and they told her if she paid her restitution of \$550 she could get an early termination. Well, my restitution is \$133 and I can pay the \$133 and I'm asking for an early termination, and they told me no because this is my sixth time back and that they had the room to house me, that I will stay in prison until -- I got six more months left. I have been told by plenty of officers that I cannot speak Spanish to another Spanish American inmate because they didn't know what we was talking about. They told us, that we cannot hang out in fours, like four Chicanos cannot hang out together because they consider that we're gang members, or the way we wear our clothes baggy or tattoos. Officers I have encountered have prejudice against us. I used to work in the culinary with other white females, other Mexican girls, and they're allowed to make cakes, cookies, pies, whatever; and when I would ask to make tortillas, I couldn't make them. It was absolutely no and I would get a writeup. That bothers me a lot.”

◆ RECOMMENDATION

Asian Female Participant:

“If quarterly we would get somebody, an officer or someone like Julie to get an ethnic coordinator to hear our problems rather than just keep grieving or [writing complaints.] If we could have that I think it would help a lot. It would bring people together: blacks, Latinos, Asians, whites. If we have some kind of problem, that little problem can easily become a racial problem, when all it was over was someone's comb or someone's pen. But if we could get that, I think that would help a lot.”

◆ BOARD OF PARDONS & PAROLE DISCRETION

Perception: The Board has unchecked powers including indeterminate sentencing that adversely affects minorities.

Hispanic Male Participant:

“The subject which my Hispanic [brothers] would like me to address is the due process and full disclosure procedures in place by the Utah Board of Pardons. Specifically, I want to spend a few moments treating the questions of whether the Board's current practices afford the Hispanic inmates the required constitutional protections or whether instead, the Board's failure to abide by those time-honored protections can or have led to discrimination. There must be limits to the intolerable trend of arbitrary and discriminatory practices used by the Board in sentencing Hispanic inmates. How about those inmates that only understand Spanish or only speak Spanish? Are information packets available in Spanish? Should Hispanics be provided a playing field of equality? Inmates must be informed of evidence that would be used against them, all evidence. At times when we go to the Board, Hispanic inmates complain that they were given documents right before the hearing that have nothing to do with their crime, and they're asked about other crimes that they're not charged with. They're given documents [at that moment] that weren't included in the blue packet originally and [can't] address them. They had no idea that they would even be there. Most Hispanics don't understand the process, nor is it explained to them.”

Hispanic Male Participant:

“My concerns are with the racial bias and discrimination dealing with the sentencing of minorities. Addressing specifically the length of prison sentences given to minorities, are extreme in comparison with the dominant culture in Utah. The Board of Pardons has the power to pass sentences on all incarcerated inmates. This power has been abused when passing sentences to minorities. The statistics prove it. I feel that one of the most basic components of this discrimination is the indeterminate sentencing laws of Utah, which give the Board of Pardons the ability to give biased prison terms. If determinate sentencing were to be invoked, it would take away the power or the abuse of power which corrupts the theory of fairness the Board of Pardons was meant to represent. Sentencing would then strictly become a numbers game, and the judges and the court system would be responsible for issuing the sentences, which could be challenged in the legal system if extreme. Today there are no checks and balances used to monitor the decisions of the Board of Pardons.”

African American Male Participant:

“Some of the key issues that they have concern the Board of Pardons and the process therein. I won't bother to reiterate some of the same facts that have been mentioned numerous times, I'm sure you've heard enough, but I do have to present the issues that they asked me to bring to you. One of the things that they found is, that after conducting a study and looking at the categories of crime, it was found that in most every category, minorities served a substantial amount of time more than their white counterparts. We have some charts and graphs that can clearly show how these things were done. One of the other factors that individuals were concerned about is the matrix guidelines as far as the uniformity in sentencing. Again, it goes back to the statistical findings that we were able to come up with. The lack of uniformity, and in most of their opinions, the treatment, is harsh and unfair. So, due to the growth in diversity that's occurred in the state of Utah, a number of inmates have suggested that maybe the indeterminate sentences scheme has outgrown its usefulness, and maybe there's a possibility of moving towards some other form of sentencing to help alleviate some of these problems, be they real or imagined.”

Male Participant:

“It would not be too hard of a statement to say indeterminate sentencing is one of the most antiquated, unjust, disproportionately discriminatory, and most biased system ever devised by an ostensibly freedom loving society. The very word "indeterminate" is discriminatory in intent. The very nature of indeterminate sentencing allows for discrimination. Without set limits, governmental entities have complete discretion to apply arbitrary, capricious decisions based as much upon personal opinion as on laws, regulations, policies and procedures. The laws of checks and balances exist in virtually every public branch of state and federal government except in the sentencing powers of the Utah Board of Pardons. People come here under one sentencing structure and they change the structure in mid-stream. They get sentenced to the new matrix. This is unconstitutional. The people that this affects most often are minorities. I have

named 55 inmates here who have signed statements claiming their discriminatory actions here at the prison. They are all minorities. In all honesty, there are going to be drawbacks in whatever system you use, but there are less chances of abuse of power and authority with determinate sentencing. With determinate sentencing there's the ability to earn good time. If you mess up, you lose that good time. There will be cases where people have been rehabilitated and the determinate sentencing is not the best thing. But again, there is less chance of abuse of power and abuse of authority.”

Perception: Criteria set by the Board of Pardons is unfavorable towards African Americans.

African American Male Participant:

“Upon appearing before the Board of Pardons, we find that the bar has been raised to unattainable expectations. Board of Pardons criteria for favorable consideration includes community support. The majority of African American prisoners are from other states; therefore, we are classified as not having community support. Again, we are trapped in a catch-22, resulting in longer prison, longer periods of incarceration compared to members of the dominant culture. Many of us request that our parole be transferred back to our home states, but we are denied the privilege, further exacerbating the recidivism rate. In summary, my humble assessment is that the Utah legal system is essentially a way of doing things that is solidified in tradition and custom without regard to rightness of those things. No system that fosters discrimination and indifference based on a person's race or ethnicity should go unchanged.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Blanding Public Hearing
November 23, 1998, 6:30 p.m.
Summary

San Juan School District Board Room
 200 North Main Street
 Blanding, UT

On November 23, 1998, a public hearing was held in Blanding. Hosts included the San Juan School District, the Navajo Utah Commission and the White Mesa Ute Council. About 40 people attended including several members Judicial Council members and staff of the Administrative Office of the Courts. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Mr. Daniel J. Becker
 Mr. Donna Land Maldonado

Staff:

Ms. Jennifer Yim

Interpreters:

Mr. Stanley Nez - Navajo
 Ms. Michelle Dunn - Spanish

Subcommittee Members present:

Mr. Joe Derring, Client Committee
 Mr. Myron March, Post-Adjudication Committee
 Ms. Rose Reilly, Community Resource Committee
 Mr. Eric Swenson, Pre-Adjudication Committee

Issues discussed:

◆ **LAW ENFORCEMENT HARASSMENT**

Perception: Law enforcement officers abuse their power in a system that targets Native Americans.

Native American Male Participant:

“I heard about a story of a person who live in this county here who is a police officer, born from a staunch Mormon family. He went chasing after a Navajo person who had been drinking. He caught him, grabbed him from the shoulder and just through him down on the cement and kicked him. This is how the people are being treated.”

Female Participant:

“My daughter was picked up at midnight and interrogated for two hours. The policeman wouldn’t let her go until she [admitted] to doing it. I got a call at two o’clock in the morning. My daughter was just crying because she really got interrogated. The police wanted her to confess that she did it. But she didn’t do it. It was another girl that did it, or something. But, a Native American got arrested and the girl didn’t. I don’t want to say because she was an Anglo. I don’t think she ever went to detention for it.”

Female Participant:

“One of my brothers was being kicked around by a police officer. And I intervened saying, that they didn’t need to do that. I was told to either get out of there or they were going to throw me in jail also. Even after being warned, I went back there and was pushed out of the way. The only reason nothing was done about it at the time was my employer, an Anglo women was driving by at the time and she intervened.”

Female Participant:

“My son is seventeen years old, and he was walking on Main Street when he was told to come over. He has five tattoos. The police officer came over to him and took pictures of his body right on Main Street. And I asked, ‘Why did you let him do that? Policemen are not supposed to do that and take pictures of your body. Then he said, ‘Well, they want it for future reference.’”

◆ DISCRIMINATION IN THE JUDICIAL SYSTEM

Perception: The court system discriminates against Native Americans.

Native American Male Participant:

“In the judicial system there are no Navajo people involved, no Native American involved, even in the court translations they really don’t have people trained to do that. It makes it difficult for the Navajo people, and other Indian people to get due process.”

18th Participant:

“A couple of years ago, my son got in a accident out here in front of the school. The cops came and did a vague report. I got myself a lawyer because the person who ran over my son didn’t have insurance on his van and at the time was an FBI. Nothing came of that, and I have forty-thousand dollar medical bill to this day, plus my son is [in pain still]. That’s not fair. At the same time, my other son got put in detention. We went to Judge . . . , and he told us he doesn’t really have anything to do. We should have spoken up. We didn’t know when to speak up, because of the terminology. We went and found ourselves another lawyer and filed an appeal. We didn’t hear a response for a long time. When it finally came, we were told, it was too late. We just have to deal with it. I don’t think that’s fair at all. I think lawyers need to come down off their high horses and quit asking for so much money, and quit telling us we don’t have a phone, and [therefore] can’t help us. It’s hard when you live on the reservation and you don’t have phone lines and some still don’t have electricity and water. Judges and lawyers know how it is. They make all the rules and laws up there, and they don’t come down here.”

20th Participant:

“I got a boy, the first time he has got in trouble. They took him to jail and charged him with rape and other things. But the way he’s been judged and stuff, I don’t think it’s fair to me. The Defendant doesn’t even have a witness. My boy first came out of the cell and [sat]. The first thing the judge said, ‘Hey boy, you know what you’ve done? It’s gonna give you life term.’ That’s what I heard. I thought he must see skin instead of a person standing there. The lawyer tried to defend my boy, but the other attorney and the judge were sticking together. That’s the way I feel. Whatever the lawyer says, the judge overruled it. I don’t think that’s fair. So I found a lawyer in Salt Lake. We lost a lot of money trying to

give him a fair trial. The lawyers up in Salt Lake said he'd be released on bail or something like that because it's his first time [offense], and he did what the judge had to tell him. But still no good. He is serving time."

Perception: Parents perceive discrimination when there is often another side of the story to consider.

Native American Deputy Juvenile Probation Officer:

"There are two sides, the victim and the predator. If you're the victim, you'll sit back and say, 'I'm Navajo. I'm Mexican. I'm a whatever, some minority. I'll just take the backseat. I'll sit in the back row. Hey I'll get through it.' There are two sides of the story, I wish a lot of the parents would come into the classroom and sit behind a behind a one way glass window and watch their kid... There are high risk kids that have broken families, that have a prior record and have other aggravating circumstances. They go to court and sit in front of the judge. Then the judges asks, 'Hey, what's your story?' The kid sitting there replies, 'I don't know.' I've heard that so many times. I don't know. So, there's two sides of the story. The parents hear one side. The judges hear the other side. It's kind of hard."

◆ CULTURAL & LANGUAGE BARRIERS WITHIN THE COURT SYSTEM

Perception: Reasonable representation and rights are not given due to communication problems.

Native American Male Participant:

"I have a close friend, a person I grew up with. He was taught the traditional teachings, the Navajo values and philosophies. He grew up by a very limited education. He's in prison today because of the way the judicial system works. They white man does not know us, how we think, how we teach, our values. Another reason why he is in there is because of the translation in the courts. In Shiprock, New Mexico, Window Rock, Arizona, the Navajo Tribe had people go through a year of training where they learn technical words used in the courts. Even though we can speak the English language, to a lawyer, I can hear him express himself. I can understand it to mean certain things. But to him, it means [something] totally different, maybe the opposite completely. So we both agree on it, and low and behold, my understanding was not correct, because he understood it differently. And because he's a lawyer, he has the upper hand. So, in the justice system, that's the way it works. Even though Utah should be setting an example as a leader in helping Indian people, they are not. They are way behind Arizona and New Mexico. So our justice system is not good for the Native Americans because we have a different value system. To a white man, a value is something just to be kicked or tossed around. To the Navajo, it's not. If you can trace it back in history from it's beginning and go through it and say this is how it is, then that is valid to a Navajo person. To a white man, a law has to be written. A value has to be written on paper to be valid. Because it's not written to a white lawyer or white judge, it is thrown out, and so this is where a lot of our problems exist."

Native American Male Participant (Interpreter):

"I work with the Department of Social Service. Sometimes I do some interpreting in the court, and there are things that do bother you. I got involved [late] in a case where a elderly sixty-seven year old Navajo man was charged with a felony. But when those things took place, he was processed through the court. He doesn't speak any English. This happened about four or five years ago. I went back to see him. He is not making any progress right now. That is the one thing that bothers me. I wish the court could look at those things closely to make sure that you are provided with adequate interpretation in the court system."

Perception: When asked to serve on jury duty, Native Americans cultural needs are overlooked.

7th speaker:

"I received a letter in the mail, and a questionnaire to fill out. I decided I was not going to respond. I have no wish to serve on the jury duty. The next letter I got said, 'If you don't answer these questions, you're in contempt of the court.' Do I have any right? I finally wrote back to the judge that I had no intention to serve. My sister received the same letter. 'If you don't respond, you are in contempt of court.' Speaking of understanding the language, this is what we deal with. I wish the judge could ask, 'Does your health permit you to serve on jury duty? Do you have reliable transportation? Does your income permit you to serve on this jury? Even the distance we have to travel [is too long]. My sister was in shock. I want these judges to know it. She didn't know what to do. Where should I go? Who should I talk to? I told her 'Just write back to them asking you to be excused from the jury duty because of your asthma problem and arthritis.'"

Why isn't there a kinder letter that states, 'By the way, we sent you a letter. We would like you to respond.' When you are out there recruiting Native Americans, be kind have a heart. So, I plead with you. Be kind to us. Some of us don't understand the terminology that is used in the legal [system]. That's what I call double twist or triple twist English language to us. We don't understand what you're saying."

◆ **DISCRIMINATION AGAINST MINORITIES WITHIN THE CORRECTIONAL SYSTEM**

Perception: Native American youth do not know how to defend themselves & are "too honest".

Male Participant:

"I've worked for fifteen years as a juvenile probation officer here, and the last five years, I've run the youth corrections detention center here. I think one of the reasons this committee came down here, is that Native American kids are so honest, they hurt themselves. They are not like white kids unless we taught them how to lie. They lay out to us what's taken place. They tell you the truth. They admit it. We double, triple book them for illegal consumption, public intoxication and this all builds up a big rap sheet. We've gone into a system where we let the computer do all the judicial work. The humanism has disappeared. It doesn't do a kid a lot of good to come and say, 'These are my reasons for doing this.' We made a matrix system up. It says, 'You've got this many points, therefore, this is where you fit on row 6, column 2, and that's what is going to happen to you. The humanism of the court system has left us. Native American kids are so honest, its scary. They don't know how to come to you and lie, unless you've taken them to boarding school and taught them how to act like we do."

White Mesa Male Participant:

"They have a lot of problems down there on the mesa. Right now my son is in detention. My wife went to see if they were going to release him. He was suppose to get out today. She told me they won't let him out simply because he had a pen or pencil with him, and they accused him of hiding it. I don't know how long they're going to keep him in there."

◆ **DISCRIMINATION AGAINST MINORITIES THROUGHOUT THE LEGAL SYSTEM**

Perception: Once labeled by law enforcement, discrimination is perpetuated throughout legal system against Native Americans.

Female Participant:

"I'd like to make a comment about being labeled because of a last name. I had an experience with the police. It was my brother that was in trouble and the police, rather roughly, were asking him questions. I went up to see what was going on and I was asked who I was. I gave my name, and the policeman looked at me and asked, 'Which [family name] are you married to?' I said, 'That's my maiden name.' Even after I told him that I had no records, he ran my name through. That is one reason why most of my brothers stay out of town because they are labeled as bad."

White Mesa Male Participant:

"These kids are going to be marked as nothing but trouble makers. They are not going to be accepted in society. Once when they get over the age of eighteen, they're going to look at their record from the past and say, 'This kid was like this all along.' That's how these kids end up in prison. When they get out, they feel a lot of anger."

Native American Female participant:

"Our kids are abused verbally, mentally, physically and nothing's done about it. The school system still has those people working there at the school as of today. I've got five kids, and even with the law, we're having problems. My kid is labeled as a bad kid. I've [experienced] harassment from the cops when my kids come to town. Right now, I have to go to court because my kid is labeled as a bad kid. This has been going on for two almost three years. My kid was also, suspended from school that I feel was for petty things. All kids swear. If you irritate a kid or harass him the way these people have, of course they are going to fight back and say something. I've heard many parents. I've seen many kids up there abused like that. At the beginning of the year they told me that my son would get counseling. To this day, he has

never received counseling from the school, from the state, or anywhere. Even his probation officer said that he would get him a counselor. He has never received one. And now they have put him back in detention again. According to the guidelines we are supposed to [be informed] if our kids are in trouble. I was told that the probation officer was to be called first, not me. I was really upset about that. I didn't know what that my son was having problems off and on. They would tell me some things, but, yet the story would continually change on down from [person to person]."

Native American Male Participant:

"My son used to be singled out. He's not living here in town any more now. He was being singled out. Almost every evening he would come home complaining, really feeling bad. He said that, 'The police officers are after me for no reason. They park and watch me as I drive by, then they would start following me around.' It seems like this is discriminatory to the Native Americans."

Perception: Native American parents find it difficult to discipline youth when they have too many rights.

Female Participant:

"I think our children just have too many rights, and they need to limit those rights. Either that or they need to get some training on it or whatever. You know, we have rights too, as parents. And they think that, 'Mom you can't say nothing to me,' and 'Mom, you can't do nothing to me.' And there we are trying to discipline them. They won't listen, because they know they have rights."

◆ RECOMMENDATION

White Mesa Male Participant:

"Some of you people say, 'We should get the school to help us teach these kids about the law.' Others complain about religion, how it plays a role in this county. [Instead of LDS Seminary buildings], maybe if they would put money into a building where they could learn about the laws and how these things work, maybe they would get a better understanding and maybe change some of these things."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM

New Hope Refugee Center Public Hearing

January 23, 1999, 11:00 a.m.

Summary

New Hope Refugee Friendship Center
1102 West 400 North
SLC, UT 84114

On January 23, 1999, a public hearing was held for the Vietnamese community of Salt Lake City. The hearing was hosted by the Vietnamese Volunteer Youth Association. About 25 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Ms. Susan Burke
Judge Tyrone Medley
Ms. Haruko Moriyasu
Judge Andrew Valdez

Subcommittee Members present:

Ms. Diane Akiyama, Client Committee
Ms. Paula Carr, Courts Committee
Ms. Ginger Fletcher, Pre-Adjudication Committee
Mr. Moon Ji, Juvenile Committee

Staff:

Jennifer Yim
Claudia Galvez

Interpreter:

Jessica Thuy

Issues discussed:

◆ **LAW ENFORCEMENT IS NOT SENSITIVE TO CULTURAL DIFFERENCES**

Perception: Law enforcement officers act unfavorable to cultural differences in mannerisms.

Vietnamese Male participant:

“I was driving my car back to my home when I was stopped by a police officer. After stopping me he aimed his flashlight into my van and then he asked me to roll down my window. Asian people have a habit of smiling before speaking. He asked me, ‘Anything funny?’ [Probably he thought] I was showing a bad attitude towards him. I understand police sometimes have to work under pressure in this difficult critical situations and because of this, I kept silent. He asked for driver’s license so I showed it to him. He said I passed a stop sign and was speeding, but I didn’t do so. I said, ‘I didn’t do so, sir.’ He [went] to his car and wrote out a ticket. He didn’t jot down passing the stop sign. He said, ‘You were speeding.’ I told him, ‘I don’t think I was. I can’t reach a certain speed in a couple of seconds [after] stopping in front of the stop sign. He said, ‘I won’t talk with you. You can talk with the judge.’ I said ‘Okay’. So when I go to trial and we have a chance to meet each other again in court. He just may say that I didn’t pass the stop sign because he had [previously] said it to me. But [at the time],I said, ‘I didn’t do so, I cannot accept your accusation, sir.’ And he got mad with me. Generally the police officer doesn’t want [to hear] any remark like this, but [rather] just to accept the accusation and speak with the judge. If you say, ‘No, sir, I cannot,’ he will get mad with you right away. I have [encountered] many given situations like this [before]. I want to explain my case to you [the Task Force] and I want to be judged fairly. The police officer should understand the minority community and especially the bad habit that we bring to the United States of smiling before speaking to someone else. Something like that may easily make him get mad when he runs into a [similar] situations.”

Perception: Law enforcement officers discount Vietnamese versions of incidents.

Vietnamese Male Participant:

“There was one guy driving in one lane and another person driving in a truck behind the first vehicle and hit him from the rear. The police officer came. The vehicle in the front was driven by a Vietnamese person and the truck driver was an American [Anglo]. A couple had witnessed the accident and were standing ready to be witnesses for the Vietnamese guy. The police officer talked with the witnesses. The couple came over to the Vietnamese guy and said, ‘Don’t worry, we’ll be your witnesses. Don’t worry, you are okay.’ His mistake was he didn’t ask for the couple’s phone number or anything. He trusted the police officer and the couple who gave their phone number and names [to him]. They [the couple] trusted the police officer too. He trusted the legal system. The police officer didn’t ask the Vietnamese person [what happened], he talked to the American [Anglo] guy. Five minutes later he gave the Vietnamese person a ticket for changing lanes. He came to me and said, ‘Well, you need to talk to the Court and appeal this.’ I said, ‘You need to have a lawyer. He [replied], ‘I don’t have the money. I don’t have anything. Well [maybe] for a \$60 or \$70 ticket, I could pay for that.’ A few years ago when [while] working for the Vietnamese Youth Association, I attended a lot of meetings with West Valley City. When I brought up this case, I found out when Vietnamese drivers are pulled over in West Valley City and their driver’s license are filed, they automatically are given a ticket. That’s sad, but true.”

Vietnamese Male Attorney:

“In a domestic violence case, the boyfriend is a 39 year old Vietnamese man and the girlfriend is about 30 year old American [Anglo] woman. The Vietnamese man says that the police do not believe him. Whatever the American [Anglo] woman says, they believe her version. She filed charges in three separate jurisdictions and he has to go through all three courts, Salt Lake, Murray, and West Valley. He’s concerned that nobody believes him. She keeps raising charges against him and he has no way to defend [himself].”

◆ **LAW ENFORCEMENT ABUSE OF POWER AND LACK OF PROPER FOLLOW UP**

Perception: Law enforcement does not adequately assess problems when entering a Vietnamese home.

Vietnamese Male Participant:

“Everybody here remembers a couple of years ago in Roy when a police officer shot a guy dead. The father didn’t want his daughter to go out dating with her boyfriend. The father was mad. As you know in Vietnamese tradition, when you can’t do anything, people [overreact]. This man went outside in the front yard and yelled, I will kill you because I don’t want you to fall in love with this guy. The daughter was frustrated. She came out and tried to bring the father inside. The neighbors saw it. And whoever reported to the police said, ‘There’s some guys fighting.’ By the time the police officer came everything was already inside. The house is a split level entry, one going up and one down. The father was around 90 percent deaf and 90 percent blind. He was more than 60 years old. He had a hard time hearing and moving. So when the police officer rang the doorbell, the daughter ran downstairs to answer the door. The father saw it and was using a knife to cut the fruit in the kitchen. Just 15 minutes before he had warned his daughter not to go outside with her boyfriend. And here came the doorbell ring. The daughter came downstairs. And the police officer shot three bullets in him and he was dead on the spot. The family had some of their friends try to appeal it, but I don’t think it worked out. The question is, how is it that an elderly man that was 90 percent deaf and 90 percent blind, be shot from the door to the kitchen? That is more than 15 to 20 feet. I hope the family will follow up or try to use the legal system to appeal it. In my opinion, if the family had been black living in California, it would be different because the black community would try to do something. In California, the [officer] wouldn’t have done that. Somehow, something has to happen. We need to do something. Either try something so the government and legal system will pay attention.”

◆ **DISCRIMINATION IN THE JUDICIAL SYSTEM**

Perception: No consideration is given to a Vietnamese minority in receiving proper representation and court interpreter.

Vietnamese Male Participant:

“In October, my friend was involved in a car accident. The vehicle at his home apparently hadn’t been driven for a while and didn’t have any insurance. He had to get to work and went out to try to get his car started up. On his way home he got hit from behind. According to him, the lights [on the his vehicle] were on, everything was in good [condition] but the guy just hit him. The guy behind him had a cellular phone and called a policeman. They waited for about an hour. He had the car running and the lights on. And by the time the policeman got there, the story was that he didn’t have his lights on and that’s why the accident happened. Well, this vehicle had been sitting in his driveway for four months and sitting there for an hour with the lights on, it will die. Apparently the policeman came and inspected it. He wrote it up and said the lights aren’t working so it’s his fault. I don’t understand because when it was all over with, the policeman had to help him call his brother to come jump start the car. So I don’t understand where they figured out that the lights didn’t work. So the bottom line is, he doesn’t have any insurance on this vehicle and of course he doesn’t have anybody to defend his case. He did have a court date. They fined him \$50 for not having his lights on. He went to court and apparently he didn’t accept the charges. But the judge heard the testimony of the policeman and the other driver and found him guilty of those charges. He didn’t have an interpreter or a lawyer. He just went by himself. There was no translator. The police made a judgement at that time that my friend thinks was unfair, and now he’s still paying for that. But we can take the information about the police officer making this unfair judgment at that particular time. We can take the information and present it in part of our report and make recommendations for changes, whatever needs to be done.”

Vietnamese Male Attorney :

“An Amerasian mother born in Vietnam is facing termination of parental rights. The problem, the issue here I raise is that there’s a lack of cultural sensitivity in the case, and then compounded by the language barrier and then compounded by the ignorance of the mother not knowing what is expected of her. I think we need to address the fairness in our system. I would suggest that we need to have a very efficient system whereby we can provide competent court translators.”

◆ **DISCRIMINATION IN COMMUNITY LEADS TO UNFAIR CHARGES**

Perception: Vietnamese youth are targeted and treated unfairly with shoplifting charges.

Vietnamese Male Youth Participant:

“Two or three weeks ago my aunt and I went to Food for Less to buy some stuff. I was caught shoplifting for a pencil. I went to buy a lead pencil and when we went to the counter to pay for it, I left it in my pocket and I forgot about it, but we haven’t finished paying for the groceries yet. Then this kid came and pulled the pencil out of my pocket and said I was shoplifting. He took me into his office, he took the pencil and walked out. When he came back in, somebody had opened the package and they were saying I tried to steal it and had opened it already. They charged me for shoplifting. A lady who told the guy that I had the pencil argued with me. A long time ago, we had bought a bag of sugar and I told her to include the bag of sugar under the cart. She didn’t include it. When we were walking out, she argued about it and said I could get charged for shoplifting. She also told the security guard that caught me that I had threatened to kill her. I had just forgot about it. I didn’t steal.”

◆ **JUVENILE SYSTEM UNCOOPERATIVE WITH VIETNAMESE PARENT**

Perception: Vietnamese parent feels left out of son’s detainment process.

Vietnamese Male Participant:

“I would like to report a case involving a juvenile. The father maintains that his son was a juvenile at the time and was arrested and detained. He tried to talk with officers just to locate where his son was and he was not provided information. The son was removed from the home for months without the father knowing anything of the whereabouts of his son. He was very concerned.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Layton Public Hearing
January 30, 1999, 1:00 p.m.
Summary

Davis County Library
155 North Wasatch Drive
Layton, UT 84041

On January 30, 1999, a multi-ethnic public hearing for the Layton community was hosted by Image de Utah. About 20 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Ms. Susan Burke
Judge Tyrone Medley
Ms. Chris Martinez
Ms. Haruko Moriyasu
Judge Brent West

Subcommittee Members present:

Ms. Ginger Fletcher, Pre-Adjudication Committee

Staff:

Ms. Jennifer Yim
Ms. Claudia Galvez
Ms. Nancy Conrow

Interpreter:

Ms. Jacqueline Gomez

Issues discussed:

◆ **LAW ENFORCEMENT ABUSE**

Perception: Disciplinary action of police permits a bias to exist towards their own officers because of a lack of civilian involvement.

African American Male Participant:

“Law enforcement is out of control. Why is it that every time someone is shot, the police department puts him on administrative leave and then the county prosecutors do the investigation and never have a civilian [involved]? Whenever a person is going away from you and is shot in the back, he is not attempting to attack the police, and therefore, that is a violation of the law.”

Perception: Lack of proper training results in poor judgement against minority families.

African American Male Participant:

“When it comes to the SWAT team something has to be done there. Police are not trained to deal with domestic violence, and they bring in a SWAT team that wants to use military tactics. The average guy who has been an infantry officer has used the butt of the rifle and then they are kicked and then you put him down, and that’s the end of it. But he ain’t down dead, he’s just out of business for a little while. Well, what we want to do is incapacitate him, not kill him. The SWAT team and the police department go in, they shot the door down up here in what, Roy, I think? I got that in the paper right now. So I think that there needs to be some changes and study there. They’re acting like they’re in an army. An army is used in combat, not in domestic violence.”

Perception: Unnecessary police harassment that targeted a couple where the Hispanic women that fit a fabricated description.

Male Participant:

“We had stopped for gas. I bought a drink at that time and sat in the passenger seat. A Clearfield officer pulled up behind us, and pulled us over. He did the proper thing by having us get out of the vehicle, but just the way he acted, we found out he was a reserve police officer, having minimal experience to begin with. He immediately called for back up. But where we felt he was in the wrong is how he pursued that my wife had been drinking. To be honest with you, my wife [who is Hispanic] really doesn’t drink hardly at all, anyway, let alone to pursue what he was insisting that she take sobriety. At that time I kind of got offended with that because of the way he was treating my wife. I walked up and I was kind of in defense of my wife. But immediately I just asked him, ‘Why are you pursuing this? My wife hasn’t been drinking. You’ve got me. Whatever needs to happen with that, let’s take care of that.’ Immediately a veteran of the Clearfield police force came up and basically didn’t even give me a chance. He walked up, grabbed me by my hair, threw me in the vehicle, put me in handcuffs, grabbed me by my hair took me back to his car, threw me in the back, while he proceeded to do the sobriety test on my wife. That was all taken care of and we were done. For three months after I could not feel my left thumb. That’s how much damage he had done with the handcuffs. After they loosened my handcuffs my normal reaction was to let my arms down. I no sooner let my arms down than I had both police officers on top of me, driving me to the floor. By the time they were through with me, my brand new pair of shorts were ripped and they tore my pocket off my shirt. I heard them discussing what they were going to charge me with. The officer told me the reason why he insisted on doing what he did with my wife was that he was patrolling Sardine Canyon and there was a drunk pregnant lady that crossed the median and had killed somebody. I started researching everything from the records of that year and found out there had not been one fatality, period in Sardine Canyon. I have all this documentation. We met with the lieutenant on the police force. We took everything with us. We had a sense that when he told us that they would do their own internal discipline on this officer. We didn’t feel that was right. We didn’t pursue it. I didn’t have the time or money or the resources to fight in court exactly what happened that night. I’m as White as they come, but after this whole thing happened I looked back at it: it’s the end of the summer, and I looked just as Hispanic, Mexican, dark, whatever you want to say, as anybody else at that time. And I just felt like it was something that maybe persuaded the officers to react the way that they did towards me and my wife together. After I saw the treatment and the way they handled everything. After they did the research and they found out who I was, they changed their tone towards me during the process. If they are in the wrong and the public files a formal complaint, I think it should be public record so that we know if anything was ever done to that officer or not. Too many times they may have gotten that slap on the hand and were back out to do the

same thing to someone else. The formal discipline is not there and the public is not aware of what is going on in these cases.”

◆ **LACK OF TRUST IN LAW ENFORCEMENT**

Perception: **Fear creates a division between the minority community and the police.**

African American Male Participant:

“[A concern of mine] is they’re going to have to do something so that the public is not afraid of the police and the police are not afraid of the public, [particularly minorities]. They don’t have to be black, they can be any color, collection of color, it doesn’t make a difference. They do not seem to realize that in 2030 minorities will be the majority in most states except this state.”

◆ **MEDIA INFLUENCES MINORITY PERCEPTIONS OF THE JUSTICE SYSTEM**

Perception: **By judging and discrediting Hispanic witnesses, the media creates disincentive for minorities to come forward as witness to crimes.**

Anglo Female Participant:

“My girlfriend’s son was killed in Ogden two weeks ago and she’s tired from hearing about what was published in the press and on television. I did not feel like what happened that night was dealt with fairly because it was being investigated just by internal police and external police officers, and I wasn’t convinced that there was anything, anybody that was really independent on that on the investigative committee. I also was concerned for the people that were talking to the press that supposedly witnessed this outside of their window. Because they were Hispanic, the press immediately said that they had a criminal record. Whether it was six years ago or yesterday, it tends to be a way of discrediting people. And then in some articles that came out after that shooting they interviewed some of the family and friends of Joshua West, and they were afraid to give their names. And it’s just appalling. They printed so much in the press about his past that as far as I could tell, by attending his funeral, he had a [history of] getting into trouble but in the past few years he had made some strides in correcting his behavior and being a good person in society. Whatever happened that night, he was shot, we don’t know what that is, but I just think it’s unfortunate that society tries to just pull people down because they have a criminal history. If it was a person that had never been in trouble with the law, I just don’t think it would have been dealt with the same. I mean this happens a lot. I have concern for the people that witnessed what happened. I haven’t kept in touch with the press in the last week on this, but what kind of treatment are the witnesses, especially the Hispanic witnesses, getting over time? I think that would be interesting to follow, to find out who those people are and make sure that they’re protected.”

◆ **JUDICIAL SYSTEM DOES NOT RECOGNIZE TRIBAL WAY OF BEING**

Perception: **Native American cultures traditions and laws are not considered in court.**

Native American Male Participant:

“I would like to hand to you my identification and what tribe I belong to. I had a younger brother who adopted me. He’d 15 and a ½ right now. What I did was I filed an ex parte protection on behalf of a child. There has been previous domestic violence. When I filed this ex parte the judge was very disrespectful to me, and it didn’t occur to me that ‘oh, I’m not in my culture, I’m not in where I belong. What my point is to this Task Force today is to draw the point that is that the judicial system has never been fair to minorities, and still isn’t. By the year 2000, we’re not being represented, our customs, which has been here longer than this United States has been established. Way before Columbus came we had our own civilizations here. As you know, when I stood up for what I believed in, it did some good, and even though it wasn’t able to be legally binding, I’m still his brother.”

◆ **PRISONS ARE NOT COST EFFECTIVE**

Perception: **Preventative measures create a wiser investment rather than building more prisons.**

African American Male Participant:

“[*Utah political leader*] and I have a difference, and let me put it this way: When we put \$3 million or \$3.5 million in the building to incarcerate people, that’s a poor investment in a capitalistic society, and safety is not the end product. Whether you take it or anybody else takes it, that’s the fact of life. Now, if he doesn’t want to put nothing into prevention, so we are definitely at odds. Prevention is the best way to stop the pipeline to the jail house. And if you are going to put all the money in incarceration, you ain’t got no prevention. You ain’t got no program.”

◆ **DIVERSITY ISSUES IN THE JUVENILE JUSTICE SYSTEM**

Perception: Minority probation officers are harsher on those of their own racial/ethnic background.

Male Participant:

“We have several probation officers who are minorities, and I’m finding that they tend to be harder on their own people. We’ve had to bring this into a check and balance, because if you let it go, I don’t think minority kids in the juvenile justice system will be given fair treatment. So we try to create a balance by mixing it so we hopefully offset that.”

◆ **RECOMMENDATION:**

Male participant:

“I’m with the Second District Juvenile Court. When it is necessary to remove a minority from a home, it’s extremely difficult to place them in an environment where a similar culture exists. Where they’re placed in different environments it creates some conflicts there: Spanish kid, Caucasian home. We need more alternative homes for our minority kids with minority parents as foster parents.”

◆ **LACK OF EDUCATION RECOMMENDATION:**

African American Male Participant:

“You have to study your [school] civics programs. That is, you study your chamber of commerce, you study the rotary, then you study the judicial system, from the Supreme Court down. So in teaching the youth that simultaneously you teach them and you look at it and the way it has improved itself over time. You might want the legislature and the schools and take their youngsters at five years old and try to explain to them and show them the malfunction that happens when people are on drugs, when they are normal. We want to straighten out the police department here and straighten out the community on drugs over here, so therefore, we’re looking at a no-drug community.”

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
University of Utah Public Hearing
February 18, 1999, 4:00 p.m.
Summary

University of Utah
 Union Building, Room A&B
 200 South Campus Drive
 SLC, Utah 84112

On February 18, 1999, a public hearing was held for students at the University of Utah and was hosted by CESA-Center for Ethnic Student Affairs. About 35 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Justice Michael Zimmerman
 Judge Glenn Iwasaki
 Ms. Donna Land Maldonado

Subcommittee Members present:

Mr. Peter Appleby, Community Resources Committee
 Ms. Ginger Fletcher, Pre-Adjudication Committee
 Ms. Barbara Hanson, Courts Committee

Ms. Haruko Moriyasu
Ms. Ileana Porras
Judge Andrew Valdez

Lt. Phil Kirk, Pre-Adjudication Committee
Ms. Pei-Te Lien, Client Committee
Ms. Theresa Martinez, Pre-Adjudication Committee
Ms. Gwen Springmeyer, Client Committee
Ms. Carolyn Webber, Client Committee

Staff:

Ms. Jennifer Yim
Ms. Claudia Galvez

Issues discussed:

◆ **LAW ENFORCEMENT DISCRIMINATION**

Perception: The police seem to perceive minorities as a target group when stopping individuals.

African American Male Participant:

“As I drive to school every morning, every day, I make the trip down 900 East, and I drive right by a golf course, which is probably about 2500 South, where, the traffic cops are there on a daily basis behind the bushes, you know, just waiting to get people. So I'm aware of that and I've gotten pulled over twice. The second time, there was a van in front of me, another car on the side of me, a car in front. It was a prime time where the traffic is going that way so I knew I wasn't driving any faster or slower than anybody else. I got pulled over and I asked the officer for an explanation. He couldn't give me a decent explanation. Actually, I have a court date next week to contest this ticket. But I just couldn't help but wondering in that instance, you know, it was bright as day, [where] we could see the drivers of the vehicles. What made him decide to pull me over out of six or seven other cars all around me?”

Native American Male Participant:

“You have to go through a really small town [called] Wellington while [traveling] through Southern Utah. They have their police station sitting right by the road. My experiences with going through that town is that the [police] usually like to pull over people with tinted windows. And most of the vehicles down where I'm from, Montezuma Creek, have tinted windows because it gets hot. I don't know. It seems like when I talk with my friends that go back down there, it seems like most of them get pulled over for that. But it seems like the Navajos people that come through there get pulled over. You know, maybe they just preferred that type of a car or style. To me, it seems like a lot of people, like a lot of my friends who I've talked to, have been pulled over just for that reason.”

African American Male Participant:

“I personally bought for my 40th birthday a brand new black Volvo with tinted windows. I parked the Volvo in the yard and got me a Geo Prizm because every time I'd leave the house in that Volvo, I could just about count on being pulled over. Not every now and then, but every time. I asked to have the windows lightened because at [age] 40 my eyes were already going so I lighten it up so I can see. There still was the problem with the tinted windows. On Sunday mornings when I'm driving to church, I would get pulled over for speeding. I couldn't possibly be speeding, the cruise control is set and the car goes in for service every three months. Explain, you know, how do I end up speeding? Then it got to where I would not leave my house on Sunday morning, even headed to church, without somebody else in the car and the tape recorder that records what we say and what we're told when we get pulled over. I got pulled over and we went to the same judge and same policeman in Centerville often. I told the judge, ‘Every Sunday morning I'm coming down through this mountain. Every Sunday I'm going to. So what do I do, make a deposit here? This is not a fair treatment of an individual in the system. Besides, I pay my taxes.’ So I had an expectation as a taxpayer to be treated fairly, yet the policeman would pull me over. And then after a period the judge finally looked at the guy and said, ‘Don't you bring this man in here again.’ Even the white judge said to the white policeman, ‘Don't you stop that man for speeding again.’”

◆ **LAW ENFORCEMENT STEREOTYPING**

Perception: Law enforcement harass Hispanic women based on stereotype.

Hispanic Male Participant:

“I’d like to tell you a story that my mom told me last night. In the first place, my mom is a realtor and she’s Latino. So most of her clients tend to be Latino or Latinas. And she just got through selling a home to this Mexican woman who is also a single parent. So the police came to the house in response to the [home security] alarm. When they arrived there they didn’t believe that she owned the house. They gave her a big hassle. She called my mom and she was like freaking out because, [saying], ‘I own this home and I went through all this mess just to get to this and they won’t even believe I own it. I had to show my papers, I had to show the papers to prove that I bought it.’ I just thought it was funny, you know. It just kind of stuck in my mind like would they really do that if it was somebody else, if she wasn’t Mexican, if she wasn’t single and had three kids?”

African American Male Participant:

“I wanted to bring up an experience of a young Chicana who works for in Ogden in an administrative department. She deals a lot with the Legislature and types of public relations with law enforcement and everything. She told me this story. She was on the way to the airport to go on a business trip out of town. She wasn’t dressed professionally, she was just going to the airport to get on the plane. She had her stuff with her and was driving a state vehicle. While on the way she gets rear ended by a vehicle and is rendered unconscious. She suffered a concussion and when she comes to she needed to be admitted to the hospital. But when she comes to, she tells me that the cops interacted with her in the tone of, ‘Who are you? Why do you have a state vehicle? Who could you know?’ And she tried to tell them and they’re like, ‘Yeah, sure. How did you get the state vehicle and what are you doing?’ She’s still, you know, suffering concussion so her memory was a little jarred. She felt she was severely mistreated and clearly because she was a young Chicana, interacting with these white police officers who didn’t understand what she would be doing in a state vehicle.”

Perception: Based on race, police officers assume African American female to be a prostitute.

African American Female Participant:

“I had just returned from an LDS mission. I was riding with a friend of mine and went to the park in the Avenues that overlooks the city. It’s beautiful but you can’t be there after eleven o’clock. There were three cars parked in this parking lot. The cops come in making the normal rounds to tell people to get out. They put their brights on and took a flashlight and made me get out of the car and made my friend get out on the other side. The cop stood there and asked, ‘Where is your identification?’ And I said to him, ‘I didn’t know I had to have identification to walk the streets of Salt Lake.’ Which was a bad thing to say because they thought I was a prostitute. They told my friend, ‘Where did you pick her up at? We want to know where you picked her up at. Is she, you know, is she a professional?’ Then my friend said, ‘They think that you are a professional, they think that you are a prostitute.’ It was one of the most offensive and intrusive experiences of my life, as far as being identified as someone based on [color]. Is it because most white men in Utah like black prostitutes and if a white man is with a black woman that that’s what it is? Or is it simply because there are a lot of black prostitutes in this state and any woman who is black is automatically assumed to be such? But that, for me, was something. They were rude and obnoxious. And the minute the word ‘garment’ came up, I was okay.

“I’ve talked to a couple of friends and I’ve talked to my sister, I asked, ‘Do you go through this in New York?’ And she said, ‘No.’ But I don’t know what the hell that was. But that just really infuriates me when I think about my experiences. If I need to call a police officer because, I’m being beaten up by my boyfriend, not that that would happen, but is he going to say, ‘How much are you paying her an hour?’ What are my rights as a woman who is not identifiable other than the fact of my skin color? To me, that’s a race issue because there were several couples there that they asked to leave, and the next thing I know the spotlight is there, the flashlight is there, and ‘Get out of the car, turn around. I don’t care if you don’t have ID, you should have ID.’ I mean, that was the tone. Not a ‘Please, you know, it’s after 11:00, can you leave?’ But I’m just really upset because I realize it’s because of my color. It’s a good thing to know that if you are in a situation where you’re being attacked that someone is going to come and say, ‘Are you okay?’ But I wasn’t asked if I was okay, there was no indication that they were concerned about my well-being. They were making sure that my friend was not paying for sexual favors. But that’s what that was. I know the normal routine for the protection of females in this state is supposed to be pretty good, but that wasn’t what was going on there. It was, ‘Are you a prostitute?’ I was just shocked. I’m not in a situation where I’m doing anything illegal and yet it’s being implied that I am. It’s invasive and it just makes you feel like you don’t really have a say in what goes on between your interactions with someone that is in the police force. And let me tell you, I don’t get in a car with a white man anymore.”

Perception: Law enforcement have more patrol vehicles present at a dance club that is frequented predominately by minorities.

African American Male Participant:

“I've been to the dance clubs Shooterz, Holy Cow and the Bricks. About 20 percent of the time I'm at Shooterz there will be a physical incident, a fight, and security handles it. At the Holy Cow, I'll say about 35 to 40 percent of the time I'm there's a physical incident, a fight occurs. At Bricks, that number approaches at least 60 to 70 percent. Most of the time I'm there, there's a fight, but security handles it in all cases. But at the Bricks, it always happens. My question is this. Every time I walk out of Shooterz, there's four to five cop cars right there. I walk out of Bricks, I never see a cop car. I walk out of Holy Cow, occasionally there will be a cop car. But every time, guaranteed, Shooterz, Saturday night, you walk out and there is four to five cop cars there sitting. What is the justification? It could be perceived very differently, and especially if I just compare the different types of people at [each].”

◆ **LAW ENFORCEMENT COMMUNICATION BREAKDOWN**

Perception: Police discriminate by not listening to non-native English speakers.

Polynesian Male Participant:

“I grew up in Hawaii where there is a lot of minorities there. And it was a lot easier to be understood. My mother came to America and her English is still not very good. But when she was pulled over she felt that she didn't really get a fair chance to explain or to defend herself. She was given a ticket and told that she needed to pay that amount by a [certain] time. I just want to point out that we're a very ... [homogenous] community, but I think that we are expanding and we are improving. But I [also] think there needs to be more improvement and more goals that also include foreign born people who do not maybe understand as much as American born citizens.”

◆ **LACK OF REPRESENTATION OF MINORITIES ON POLICE FORCE**

Perception: Having minorities on the police force results in better relations.

Polynesian Male Participant:

“It's not just a black issue. I grew up in Hawaii. I think I got along with cops there because they're Polynesian, they talk to me, they take me aside, they treat me differently. I come over here and you kind of lose that family sense because you become a number, you become just another statistic.”

Perception: Minority police officers become part of the same system that discriminates.

African American Male Participant:

“When I see a policeman of color, I know you have a vicarious situation because you're trying to represent the people. But you have to deal with the good old boys, so you're kind of pinned up, your hands are tied and you can only go so far. So when I see Polynesian policemen, African American policemen, I view them the same way. To me, they've got in that system and they now know their hands are tied, and eventually they become part of that system. Sometimes, they are even more oppressive than the white. I mean, I've encountered Polynesian officers who treated me worse than a white officer because they get caught up in that system and they know that now they have become part of that system. To sustain their livelihood, they have to maintain being part of that system or they'll lose their jobs. That's why, to me, the whole situation is we have to deal with perceptions and deal with diversity training.”

Perception: Those who work in law enforcement share a mind set that does not allow for fair treatment of minorities.

Recommendation: Police department diversification would help solve racial issues.

African American Male Participant:

“There is a problem in Utah and everyone is always trying to look for some kind of justification, you know, to try to find some kind of excuse. I don't want to get into all of the problems that I've had in this state, we'd be here for two hours.

When I walk out of this door I get that stares because in some people's opinion, I'm not even supposed to be here on this campus because of the color of my skin. But if you don't see there is a problem, you sure the hell won't find a solution. The solution is not in looking at a justification to ease the tension off racial and suffice it with something else. To me, there needs to be more diversification in the police department, period. The problems is in the mind set of those carrying that badge, whatever agenda they have on their mind, power, racism, whatever. That's the problem. The problem is in the mind. And, again, I don't know how you are going to address that. Maybe it's going to take a long time. What is this committee doing for them? They're doing nothing. I don't mean to come at you really hostile or angry, but yes, I am angry. And then there's many people that are angry and that hostility is going to bloom. Police officers are playing their part in that. Just like they say, when you just point your finger, it comes back at you. What are you guys doing for the situation besides talking? That's my question.”

◆ DISCRIMINATION IN THE JUVENILE COURT SYSTEM

Perception: **A family therapist’s recommendation is not taken into consideration with respect to a minority juvenile.**

African American Male Participant:

“I’m studying to be a counseling psychologist and last year I was working with two clients [in a secure juvenile facility], one was a white [Anglo] male and one was a Chicano male. They were locked up and as part of their experience. I was going to the courts, meeting with their judges and then, determining what their next step was or whether they were to remain at the facility where they were at. One thing that caught my attention was that they didn't have the exact same judge, they were different judges, but they had their court dates within the same month. This was after I worked with both of them for about seven months. I wrote letters and a report of my recommendation [describing] what the next step should be. I strongly advocated that for the white [Anglo] male’s next step should be either to stay with us a little longer or go to a therapeutic foster home. And for the young man, the Chicano, I wrote in my report, I recommended and I actually felt that he had deserved to go to a home. And I also put in the reports that I felt he was closer to the step of returning home with his parents. I said nothing of the sort in the report for the white [Anglo] male. Anyway, the outcomes of those court dates was the white [Anglo] male ended up going home after this court date and the Chicano male ended up staying in our facility for another month. I worked with everyone else at the facility so I know that other people won't say a whole lot different. That's just one incident that caught my attention. Why were these two males treated differently by the court system, by the juvenile court system, by their representative judges? And especially [given] what I said in my report. I was their family therapist who had worked with their family too. The young Chicano’s family was much more ready and more prepared to have him come back, and I put that in my report. Where for the white [Anglo] male, his family hadn't been coming to family therapy and when they did come I could still see a lot of dysfunction. They weren't making the efforts to get resources from parenting lessons or anything to improve their parenting skills, nothing of the sort. So I put all that in the letter. And, again, it's just curious to me the different results. What was the justification for those results besides perception by the judges of different races?”

◆ PRISONS HOLD A HIGH NUMBER OF MINORITY INMATES

Perception: **Statistics provide a negative perception and perpetuate a loss of hope in a system that works against African Americans.**

African American Male Participant:

“Is there a relationship between the perception of the system and the reality that the system even desires to change? As an African American living in the state, I know that most of the black population do not expect to receive fair and equal treatment when encountering the law. And unless we can change the perception of people of not even having a fair chance, you won't even get them to come to talk to you about their dilemmas with the system because their verdict is, What good will it do? Among the church population in Utah, the perception for black people who are in black churches, they say that if you miss a black man on Sunday morning, go down to the jailhouse because he will be on his way to the prison, and especially if he's 18 to 19 years of age. There is a tendency that when young black males graduate, for the parents to ship them out of the state about a week after graduation to keep them from encountering the judiciary system.

That is known among the African American population quite widely, quite freely. Black people who come into the state, that's what they are told about the orientation into the State of Utah. Even when people really want all the black people to come be here and have a good experience, the reality is if they have children, they're going to encounter the system, especially if it's a black male graduate from high school. It doesn't matter how good, doesn't matter what they were doing in high school in terms of the GPA, basketball and all that type of stuff, if they don't leave the state, they can count on being in the system within six months. And this is common knowledge among African Americans. As long as that perception is there and the fact that there are a lot of black males in the system, there's nothing to counter the perception. Black people are not anti-law, but they don't see law working for them or helping them to make the adjustments. I'm one of those black people, where I can't have much hope. The system has to start to function and to communicate in a way that not only sends the message of fair treatment, but of a hope of receiving fair treatment. When people have been robbed of hope, you don't have much coming from them. These little bitty dynamics of the individual communities have a lot to do with what happens and how people interact with the system."

African American Male Participant:

"You look at the statistics on this prison system in Utah and you tell me how many black people you have up here and Hispanics and you compare it to this population. And I'm just telling you, we have a problem at hand. But are we just going to look at statistic? What happens when we walk out of this door and see many minority people that have been, what I call, assaulted by a white officer. How many people stand before a judge that is biased and how many people are actually getting help, how many are being sent home, how many are being sent to prison? If you look at every category, you're going to see people of color, no matter how we want to turn our heads and bury them in the sand, people of color are not getting a fair shake. And it's all because we have people that are racist that are occupying high position status."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Wat Muni Siratana Ram Lao Temple, Focus Group

February 21, 1999

1:30 p.m.

Wat Muni Siratana Ram Lao Temple
279 East 8000 South
Sandy, Utah 84088

I. Welcome:

Viengsay Sundara welcomed everyone and introduced Claudia Galvez. Ms. Galvez thanked Viengsay Sundara, the Lao Community Coordinating Council, the Temple President and Secretary for hosting the Task Force in their temple. Ms. Galvez informed the audience of the information packet available to them and the opportunity to sign up to receive a copy of the final report. Ms. Galvez introduced Jennifer Yim, Director of Task Force.

II. Task Force Mission Purpose of Meeting:

Ms. Yim explained to the audience the mission and purpose of the Task Force and the importance of gathering information. She also explained the about Task Force's research efforts in obtaining a clear picture of ethnic minorities in the criminal justice system.

III. Judge William Thorne, Third District Court:

Judge Thorne gave some personal background of himself and illustrated some examples of injustice in the legal system. He stressed the importance of receiving input from the minority communities in order to improve the system.

IV. Bill Afeaki, Director, Office of Polynesian Affairs:

Bill Afeaki shared his experience with different cultures including Asian cultures during his travels as part of the Tongan Parliament. He expressed that even though there may be differences there are similar issues that minorities share. All individuals want to be treated fairly, have the same rights, and experience equal justice. He also shared of the importance of the existence of the Task Force and the reasons of reaching out to the Laotian community.

V. Question and Answer:

Client Survey forms were distributed to all in attendance. The next 30 minutes was open for the audience to share experience and for Task Force members to answer questions. Some members of the audience stood up and shared experiences. Some issues of discrimination were work related. A father shared his frustration of discrimination of his juvenile son with the school district. Language barriers was also another issue that created unfavorable treatment toward Cambodian minorities when dealing with the legal system.

VI. Adjourn:

The Task Force presentation ended at 2:35 p.m. 11:00 a.m.

TASK FORCE ON RACIAL & ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Orem High School Public Hearing
February 27, 1999,
Summary

Orem High School
 175 South 400 East
 Orem, Utah 84057

On February 27, 1999, a public hearing was held for Utah County at Orem High School and was hosted by Governor's Hispanic Council, Ethnic Minority Interagency Council, and the Mexican Consulate. About 150 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Judge Lynn Davis
 Mr. David Dominguez
 Mr. Chris Martinez
 Judge Tryone Medley
 Mr. Jesse Soriano

Staff:

Ms. Jennifer Yim
 Ms. Yvette Diaz
 Mr. Roberto Culas

Guests:

Ms. Elia del Castillo
 Mr. Ernest Ramos

Subcommittee Members present:

Mr. Hector Cando, Client Committee
 Mr. Scott Ferrin, Courts Committee
 Ms. Leticia Medina, Juvenile Committee

Interpreters:

Mr. Grant Andersen
 Ms. Senerita Auvaa
 Ms. Sweet Crichton
 Ms. Patricia Lacock

Assistants:

Mr. Enrique Abarca
 Ms. Jose Silva

Issues discussed:

◆ **LAW ENFORCEMENT DISCRIMINATES AGAINST PEOPLE OF COLOR**

Perception: The police perceive minorities as a target group when stopping individuals.

African American Male Participant:

"A few of us were talking outside of [my] car. A woman brought to my attention that an officer had driven around the block about five times and kept staring at me and my friends. I was there with two other black friends of mine, so there was three of us. I got into my car and my friend got in the passenger's side, and we were getting ready to leave. We went to take a right, and as soon as I turned right the cop car pulled me over. Officer Parley approached the car and the first thing out of his mouth was, 'How much have you had to drink today?' I said, 'I haven't had anything to drink.' He was really shocked by that and [he] asked me again, 'Have you had anything to drink today?' I replied, 'No, nothing at all, I'm the designated driver.' He said, 'Okay. Well, let me see your license and registration.' So I give that to him, and he said, 'You know, I pulled you over because you didn't signal at the light.' 'I had a green light signal to turn right.' I responded. He said, 'Yes.' I said, 'Okay. No problem.' So after he tells me, 'Get out of the car.' So I get out of the car. A second cop car pulled up which I guess was a backup. He gets out of the car and then starts asking me how much I've had to drink. They started to do a sobriety test, walk in a straight line and all that kind of stuff to me. He told me, 'Well, spit your gum out.' He shined the light in my face. He said, 'Okay. I'm going to run this. Go sit in the car.' At that point, my friend who was sitting in the car started to get out, and [suddenly the police] had their guns drawn. I said, 'Mike, get back in the car. You're going to get shot.' So I go sit in the car. As I was sitting there, Officer Parley comes up to the car and gives me my stuff back.' He said, 'The law in Provo is that you have to signal three seconds before you turn at a light, no matter which way you turn.' So I said, 'Okay. Can we have a warning or do I have a ticket?' He tells me, 'Well, I don't feel like doing paperwork today, so you have a good day.' At the time I was a little afraid because I'm fearing they can pull me over for something terrible after that. I didn't want to say anything to exacerbate the situation any more. But once I thought about it later on, I was pretty upset, because in my opinion the reason I got pulled over is because I'm a minority."

Polynesian Male Participant:

"I came out of work at 12:00 midnight. I was going like 12 miles per hour coming home. There was two officers sitting there. They came after me. And they followed me right to my driveway. As soon as I got in my driveway they had their lights on and everything, and the whole neighborhood was up. The whole neighborhood looked at me as though I had robbed a bank or something. It really upset me. I was very disappointed. I don't want to be handled like that, and I don't believe all those minority people want to be handled like that [either]. I think that's an improper way to treat these people in this valley. I really thought if I was not like this (pointing to his arm) I think I would not be treated like that. I wish I was White so that I can be treated like a White man, but I'm treated different because I'm not a White man. I feel like I don't belong in this community."

Female Participant:

"I was remembering a situation where my husband was pulled over, and I have to say it wasn't for anything else but his looks. He looks very Mexican, which he is. Once we got the problem resolved, you know, we were able to move on. But very often I think what happens is we get so defensive on both sides of the fence that we don't ask enough questions. One of the problems is because not enough communication takes place. I think it's very important for us not to be on the defensive on either side. We need to be more open. There are two words that come to mind when dealing with any racial issues, any human issues, which are "respect" and "patience." If we have respect for each other and patience for each other, I think we can communicate better, we can resolve a lot of problems, and prevent a lot of problems from taking place."

◆ LACK OF REPRESENTATION OF MINORITIES ON THE POLICE FORCE

Perception: The police force should have more ethnic minority officers.

Polynesian Male Participant:

"Kent Valentine is a Provo police officer [who] comes by my house almost every week. We talk about things, about the police force, and we need to have Latino, Samoan, and Tongan officers. Now there are more Hispanic and more [minority] families coming in. I agree with my friend that there still aren't any Tongan or Samoan, in the police department. I'm saying that's one of the problems. We need to have Hispanic or African-American police officers [also]."

Polynesian Male Participant:

“Why don't we have Tongans or Samoans as police officers in Utah County? Right here in Orem there is probably only two minorities [on the police force], and the same way in Provo. There is no one [minority] in the Sheriff department. That's why we are not treated right, because they don't have some of our people in there that know us, that know our culture, and that know how to handle us. I don't think we have one single Tongan on our police force. Things are not balanced here. As a Tongan, I understand my culture, I understand my people, I know how to handle my people, and I know how to talk to my people so that we won't have any conflicts. The problem starts from the leaders. If the leaders open up and make things fair, then things are going to work. We need more people from ethnic groups to be in the police department. We need people from our ethnic groups to be involved in our city council or whatever. That's why we have such a problem because we don't have enough [minority] people in there. Whoever has authority here from the government, don't underestimate us. Please open up. Bring the opportunity to our community so that our people can apply.”

◆ **RECOMMENDATION:**

Female Participant:

“I'd like to start off with just a real quick recommendation. I moved from South Texas, where I used to teach. What they've done is they've started a police academy at the high school level. Is there any possibility that we can do that? I think that's one way that we can get our students better educated and also get them involved in knowing about the law, instead of having to fight it from the other side. I think that's something that would give our students a better perspective on what police officers have to deal with, because sometimes I don't think they're aware of all the hassles that you guys have to go through. I've been on both sides of the fence.”

◆ **DISCRIMINATION IN THE JUDICIAL SYSTEM**

Perception: Because of ethnicity, Hispanics are easily targeted and falsely accused.

Hispanic Male Participant:

“There was a Mexican fellow who was accused by Anglo lady for sexual harassment. He was picked up in his apartment and taken to jail. When he came to the court hearing, they brought him up in chains like he was a convicted criminal. And the lady who had accused him of sexual harassment said, ‘I don't think this is the right fellow.’ So the judge said, ‘There is no charge. You are free to go.’ But when his [neighbors] came to pick him up to take him to his home, they were told, ‘Well, they're going to give him to you tomorrow because they have to process the paperwork.’ The next day, when they went and tried to get him, they said, ‘Oh, I'm sorry. He's not coming out.’ ‘Well why not? I thought the judge said that there were no charges against him.’ they said. They were told, ‘It was found that he is an illegal alien. So he will be deported. So he cannot go out free anymore.’ This is what was told to me by the people who live next door to the fellow. So the fellow got deported. I mentioned this because somehow, somewhere along the line, if this fellow would have been a different color, I don't believe that he would have been processed for being an undocumented alien. So members of the law enforcement agencies and everybody in the community need to work as a team to prevent these kind of things from happening, because I don't think it's fair. When we say “undocumented,” that's illegal. Then we are all illegal. All of us here are illegal aliens. This is the land of immigrants. We are all different. We are all a different color. The Native Americans that were here didn't have an immigration office to process everybody when they came off of the Mayflower or anything like that. We are the people who have to obey the law. But the law has to be represented by every member of the community. In order to establish a community, a society, a law-abiding people, we all will have to be able to participate.”

Perception: When sentencing a minority defendant, a judge ignores the please of a family member.

Polynesian Male Participant:

“I recognize somebody up on the stage. The third one from the right is a judge. I was interpreting for one of his cases in Salt Lake. As a matter of fact, it was my nephew. I begged him not to take him to jail, but he ignored me. Being a minority, I tried but he still ended up taking him to jail.”

◆ **LACK OF EDUCATION**

Perception: The minority community needs education on legal rules and regulations.

Polynesian Female Participant:

"I work as a court interpreter for the district court in the Salt Lake. I understand it's not easy to bring our cultures with us, but we have to learn to adapt to the law of the land. We cannot come here and expect that when you are stopped by a police officer that you are going to have your way and not the law of the land. It's not that way. Yes, my husband stood up here and said he tried with the judge to let his nephew go, but the law is the law. He had to do his job. Yes, we need to educate our children. We need to teach them, we need to make them understand there are rules and regulations we have to follow, and if we don't follow them we violate the laws."

Perception: Law enforcement needs education on ethnic cultures, and minority community members need education on their legal rights.

Male Participant:

"I'm the person in charge of a program on the radio that we broadcast on Saturdays from 2:00 to 6:00. During the last seven months I have been on the radio and we have received so many complaints from different people. On the radio we are in a position to help the sponsors of the community. We feel that their programs are very important. And if we help each other, if we try to increase our understanding of the law, then we will be in a better position to succeed. I know that sometimes some people make mistakes because they don't know what is the law, they don't know what are their rights. And by the same token, sometimes the people who's in charge of enforcing the law, they may have some misinformation and misconceptions about who we are, and that's part of the problem."

Perception: Because of lack of information, Hispanic community members are vulnerable to INS agent imposters.

Hispanic Female Participant:

"This gentlemen came earlier and had to leave. He had an experience that's similar to the one [who] came up and spoke with us. Apparently, this man had just recently moved from California to Utah, and he had done his Immigration documentation in California. When he came up here he was approached by two individuals who were claiming to be from Immigration, and they promised that they would take care of everything and assure that all the hearings be attended to and met adequately. The Immigration procedures for the family resulted in payment of \$6,000 cash to these two people. It turned out that they were Spanish. He came to find out that other families had the same experience with these two [individuals who] were not Immigration officials. So those are just some of the situations that are happening in the community. I was speaking with this young man, he wasn't really aware that there are agencies who investigate these type of procedures and agents who discipline attorneys who in any way defraud their clients."

**TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Cedar City Public Hearing
March 5, 1999, 6:00 p.m.
Summary**

Paiute Tribal Office
440 North Paiute Drive
Cedar City, Utah 84720

On March 5th, 1999, a public hearing for the community in and around Cedar City was hosted by the Paiute Indian Tribe of Utah. About 70 people attended. The following is a summary of the meeting:

Task Force Members present:

Mr. Chris Martinez
Mr. Dan Maldonado

Subcommittee Members:

Mr. Dan Pence, Client Committee
Mr. Al Whitehorse, Post Adjudication Committee

Staff:

Ms. Claudia Galvez
Ms. Jennifer Yim

Judicial Council:

Judge Robert T. Braithwaite, Fifth District Court

Issues discussed:**◆ LAW ENFORCEMENT DISCRIMINATION**

Perception: Based on a few incidents, law enforcement stereotypes all minorities.

Native American Female Participant (Tribal Chairperson):

“I think there’s a lot of misunderstanding in the community regarding the law enforcement that we have here. In the past there’s some problems going on. The cops are called even out in the city. I don’t think it’s a place that the police should call our tribal people down. Is that what they do to other non-Indians? I don’t think it’s fair. That’s why every group, Mexican, Indian has been already stereotyped. Just because they’ve had a bad experience with a couple of people that makes the rest of us bad, too. It’s an educational thing that we need to do within the community. We live here. We are part of this community. We pay taxes just like everybody else does. We go to the schools. We’re not going away, but I think that that’s when we need to join together and pull together to make a better community, not a divided community.”

Hispanic Female Participant (Court Interpreter):

“I’m also an interpreter at the court. Some of the cops are pretty nice and some look at you like, ‘Here comes that Mexican.’ But I think it’s the whole town. You’re Mexican and they’re looking at you. I’m [asked if I] speak English. [Do they think] I’m going to get deported or what? I think white people need Mexicans. Mexicans need white people, Indians, and whatever. It doesn’t matter what color you are. They just need help. I’m from east L.A., and there’s a lot of people of color. I’ve never been so ... I just want to stay in my house. I’m a Mexican. It’s kind of hard, and I think we need to work on that.”

Perception: Police target and harass minorities when stopping individuals.

Native American Female:

“They posted a new sign on the street where you couldn’t make a U-turn, and I didn’t see it. And it wasn’t there before, and I had lived there for the past six months or so, I had known the streets. The officer pulled me over and started shining the flashlight in my eyes. I politely asked him, ‘Why are you shining the flashlight in my eyes? I can’t see your face. I can’t see you.’ Because an important part of communication for me, as a Native American, is to see somebody’s face and see their eyes. Maybe this was part of the procedures for police officers seeing at night, but I’m a female, I’m a single female. Then he asked me, ‘Are you drinking? Do you have any kind of beverage in the vehicle?’ I said, ‘No’ and he didn’t believe me. And then he like shined his light around inside the car. I was very offended about what he did, but nonetheless I felt really like somebody intruded on my personal space and didn’t really believe me. And he kept shining the light in my eyes, and I didn’t really feel very appreciative of it.”

Native American Male Participant:

“On that subject of profiling, I guess that’s what it’s called, where you go down the road and you suspect this guy as a drug dealer and you pull them over. Many times I’ve gone to Salt Lake in my own vehicle, also in government cars, and I’ll see a highway patrolman. As soon as I pass them, I see his brake lights go on. He’ll come across the median. He’ll be behind me for a while, then he’ll speed up right behind me, get right next to me and sit in my blind spot and just follow me. I mean, what’s up with that? Many times I thought of just pulling over and saying, hey, what’s going on here. Another time they pulled me over, and I asked the officer, once he’s asked for my driver’s license and registration, I said, ‘What did I do?’ And he said, ‘Well, we had a report of a red Mustang passing everybody down the freeway.’ I wasn’t doing that. Then he asked, ‘Where are you going? Where are you coming from? Hey, this is America. I can go wherever I want, you know. And those types of things are not only by Nephi, by Salina, Richfield area. You go through there, you get pulled over. I mean, they look for the dark skin people to pull over. I guess we’re all drug dealers, but I’d like to say that we’re not, and we deserve our peace too, as we go down the freeway.”

Native American Male Participant:

“Every time when I come from a powwow, you know, the city police are always stopping me. They say, ‘Hey, Indian, what [have you been] drinking?’ And I don't touch liquor. But back when Nelson and the old timer policemen [were around], they didn't bother us, you know, they didn't do nothing to us. They had respect for us. Now the policemen try to make criminals out of us.”

Perception: Police are unresponsive to minority college student complaints.

Hispanic Male Participant:

“I got full [license] plate matches on the guy who had assaulted me and I called the police. The Cedar City police came down there and I gave them the full plates. They could not find anything. The only thing that happened was I had to call up a friend of mine who had to drive me down to the hospital. I went down to the hospital, had myself checked out. The next thing I'm at Denny's and there was all the officers at Denny's. It had to have been within maybe 45 minutes of a time period from that incident happened. It didn't feel to me like they're doing very much, and the only thing I got back was dirty stares when I looked back in their direction. I had another incident happen. There was about \$600 in vandalism done to my car. I tried to report it and just nothing was done [about it]. The police did not follow up at all. I registered complaints. In the two and half years I've been here I felt like a total outsider. And I'm looking forward to leaving Utah as soon as I can.”

◆ LAW ENFORCEMENT HARASSMENT

Perception: Native American youth are harassed by police for no valid reason.

Native American Male Participant:

“The police around here are so bad. When Indian kids are walking, they harass them all the time. They're all cousins and stuff, but they're always harassing these Indian kids. They think they're going to do something wrong. I think that's wrong because you get those people that sit over in the parking lot by Ace Hardware and they're smoking and drinking and stuff like that. I don't even see the cops harassing them, but when it comes to the Indian kids walking down the street, they get booked and go into juvenile court. You know, my boy was walking home from a dance, they call me up, then a couple hours later, we're holding your kid because he's walking down the street after hours. But he was walking home after a dance. They harass these Indian kids all the time, and I think that's wrong what the police are doing. Police have got to get their priorities straight first.”

Native American Female Participant:

“I'm speaking on my brother's behalf. He rides his bike to get around town. And one day he got pulled over by a cop, and he asked, what's the probable cause? The cop didn't tell him. He just started searching him, and he accused him of drugs and everything. He gets it every single time he goes to work at the University. When he comes home, he always gets pulled over riding a bike. Why is that? They just start searching him and everything. I don't think that's right. Just because he's riding a bike.”

Native American Male Participant:

“I came from my reservation in Arizona, and I lived in California and Texas and overseas in Europe. But I have never, ever experienced the degree of racial discrimination as I have had here because this is a predominantly white Mormon community. This place is sort of isolated and there isn't very many minority people. I enrolled in college. I just come out of the service and I came to the campus and I couldn't get a room there because I didn't sign up. I was walking down the street with my bags. I decided to get a motel because I needed to get some sleep. There was a patrolman that stopped, and he came up and asked me for my ID. There was another patrolman came around who was a bit rough. And he asked me for my ID, ran my name to check it through the police department. And I see no reason for that. I'm not from this state. I had an Arizona license, and how would they ever find any information on me here in Utah? What was the reason for that? Anyway, I concluded that maybe because I had longer hair then, a hat, jeans, boots and all that, and maybe I sort of stuck out a little bit from the crowd. I don't think that was really necessary why I would have to be checked out just walking down the street.”

Perception: Law enforcement harasses elderly tribal members.

Native American Male Participant:

“[What] really made me sad occurred a number of years ago to one of our elderly fellows who had worked on the railroad for quite a while and was retired. I was coming home late from a visit in Richfield and that elderly gentleman was sitting in the back of a police car and he was handcuffed. The police were over there looking at his license plate, and I just leaned in and ask them what was going on. And I guess because of some family member had not given the money to pay for the taxes and the license. And I was trying to help them out to explain to the officers there what was going on. The fellow didn't have any knowledge of what was occurring, and I myself was threatened with obstruction of justice. You can do all these other things and hurt someone, but do a victimless crime [as] an elderly member of the community, and you go to jail.”

◆ **LACK OF TRUST IN LAW ENFORCEMENT**

Perception: The cultural background of Hispanic minorities may lead them to operate out of fear when dealing with police officers.

Hispanic Female Participant:

“How many people who have lived here all their lives really know what to expect from the police? I come from a country where there's a lot of corruption. You are terrified of the police because [if you have to interact with them] then you are in big trouble. They are not there to protect you. I don't know if that is what happened to many people living here, the Hispanics, for example. How many people really know what to expect here from the police, how to deal with the problem here? How many of the children who have lived here all their lives from the community are ready to deal with the treatment of police?”

Perception: The role of law enforcement should be to protect society and make community members feel safe.

African American Male Participant:

“I know in this nation, as a state, we have work to do. I'm a third black, a third Native American, a third white, so I guess I get treated fairly a third of the time. That's a joke. I've known a lot of different people and different communities. [But] with law enforcement, I think everybody has to get paid, everybody has to feed their families but everybody has to feel safe too and feel respected within their culture, and that's important.”

◆ **LACK OF REPRESENTATION OF MINORITIES ON THE POLICE FORCE**

Perception: There is a need to have more ethnic minorities on the police force.

Anglo Male Participant:

“Who's in charge of hiring? We have one African American policeman, and he's new. I have seen him maybe for the last, what, three months, I think. I was very surprised. I could almost swear that he's the only minority policeman that we have in Cedar City, Utah. Why is that? Who hires them? Are they the only ones qualified?”

Perception: The local police department does not hire minorities.

Native American Female Participant:

“I have two sons that went into criminal law and justice here at SUU. They did apply [to the police department], okay, but, however, there was some issues that were brought up to them that because of the minority and that they weren't highly qualified even though they passed their test. Now, I want to know why and what happened then? But they went back twice, and when they did return to the job site, they were told that the job was already filled. As a matter of fact, when they were taking their classes for criminal law and justice, they even rode with patrol officers. They've done every program that they allow for them to do, and even got good grades and not failed, but they never got the job.”

◆ **DISCRIMINATION IN THE JUDICIAL SYSTEM**

Perception: There are no repercussions to Anglos who commit vehicle manslaughter.

Native American Male Participant:

“A couple of months ago I lost my grandma in an accident, by this guy who hit her from behind. And there was nothing really done to him. There was no alcohol or drug test done on him and he ain't in jail. And look at us, we've got to suffer because we lost our loved one. We ain't got no justice there. We do have a lawyer, but it ain't going to do anything.”

Native American Male Participant:

“Not very long ago I lost my wife who was killed in a [car] accident. The person that did it, I don't know how fast he was coming, [but he] demolished my car and my wife was dead right in the car. I don't [know whether] justice [is served] for the white people. But if it [had been] an Indian, you know, they would have already handcuffed and thrown [him] in jail. The guy that done it, he's running loose somewhere. I don't know where. I really miss my wife. I think you would, too. But now that I lost my wife, that means quite a lot to me.”

Perception: Because of their ethnicity, African Americans are targeted.

Anglo Male Participant (Chaplin):

“I was asked by a black student if I could be at his court hearing. During the time I was an active vicar at St. Jude's. He was from the University on an athletic scholarship, as I recall, and there was a questionable rape situation. The particulars were revealed were not a violent kind of thing, but something that was more seductive and got out of control. And I wondered at the time if this had been a white student if they might have used probation as an opportunity. I certainly felt that was not a thing that should have happened.”

Perception: A lack of money and lack of knowledge about the justice system affects the quality of justice afforded to minorities.

Native American Male Participant:

“Some of us don't understand what a plea bargain is. You know, they may sound really nice to some people who are behind bars to get them out, but really we don't know what we're getting into. Because we cannot afford an attorney, we get public attorneys. Some of the public attorneys come to us and tell us, this is what's going to happen. But when we say yes to it, it's just like we might as well stay behind bars and deal with it there. My brothers are in prison, some of my cousins are because they took a plea bargain. They thought it was going to be an easy way out, but look where it ended up at, prison.”

Perception: The court system caters to the wealthy.

Native American Male Participant:

“They don't have a chance. Our Indian people are not rich. Who's got a million dollars? We don't have a million dollars to pay the court fee and a lawyer and all of that. When they appoint a public attorney, they don't give a darn for us. They just push us in. Still the law doesn't understand us, also our people.”

Hispanic Female Participant (Court Interpreter):

“When I go to the court, the lawyers are helpful sometimes, and sometimes they are not. They come to me and they say, okay, tell them if they plead guilty this is going to happen to them. If they plead not guilty, this is going to happen to them. So maybe it's better for them to plead guilty so they don't have to go to jail for a long period of time. I [translate] this to these people, and they say, but ‘I'm not guilty.’ I say, ‘Well, if you're not guilty, you're going to have to go through the court, through a trial and then you're going to have to spend more time. If they prove that you are guilty then you're in big trouble. But if you are not found guilty, you may be okay, but that costs money. As minorities, we don't have that much money. My perception of the court system is that all this [revolves] around money. If you have a thousand dollars, go ahead. If you have \$10,000, you can do whatever you want in the system, but you will be free because you have money. But working [class minorities] who don't have any money won't be able

to get out. And it will get worse and they will be treated as dirt.”

Perception: Rules governing bail apply unequally, depending on one’s race.

Native American Male Participant:

“I read daily in the papers where they arrested methamphetamine producers, distributors, and sellers. Their bails are \$10,000, 20,000, 50,000 and one being \$100,000, and these people all get out on bail. Yet, we have Native Americans and Paiute tribal members that have to spend time, 30, 60 days, six months in jail because they can't come up with \$150 fine or something like that. You know, there's something wrong with that. We have to find some way to work together. I think the important thing for myself and the legal or judicial branch of the county and the state is we've got to work together. All we ask is to be treated the same as the dominant society.”

Perception: Appointed legal counsel work more for “the system” than for their Native American clients.

Native American Male Participant:

“My boy and my grandson are in jail. They are trying to tell the truth, but nobody believes them. I don't think that's fair, you know. [You] get a public attorney but they don't care. They don't give a hell for us Indians around here. They get their percentage from the state. They got our boys in jail for no reason at all. They don't understand our Paiute nation or our native people, the languages. We don't have no justice. The white people have justice. They [get] a chance. Some of us have been baptized into the Mormon church. The Mormon church, some of them are politicians. They don't care what happens to the Indian. They don't believe what they believe in. They don't help. But we got our own traditions. We got our own sacred things. They try to tell the truth, the white people don't understand, but some of us we have a broken up language.”

◆ LANGUAGE BARRIERS WITHIN THE COURT SYSTEM

Perception: Language is a fundamental source of discrimination.

Native American Female Participant:

“Language is a very integral part of communication and education, and the underlying problem between discrimination or being biased towards another person or towards another group of people is the way we communicate and the way we understand other people's words. And if you know a foreign language, you'll understand that maybe in Spanish or in French, whatever language you may choose, there's different ways of saying things that have different connotations, and when people go to speak to another individual, say, a Native American to a Caucasian, they may say things in English and not be understood correctly because they're translating from their language because English is their second language. I think that's very important and language is one of the first places that we should start to build those bridges so that our people can come together.”

Perception: Educational community efforts that provide cultural awareness and acceptance begin with school teachers.

Female Participant:

“I have been helping coordinate a three year old program with Southern Utah University and Iron County School District to help our teachers get endorsed to be ESL teachers. So part of that is teachers encouraging the children as they come into the classroom, to tell their stories to the teachers, then we get an awareness and that really helps in the classroom. When there's an awareness of the problems coming from children, it makes a huge impact on the adults. When you hear children tell their stories, then we can accept the problems. So through the acceptance, we go to the next step, which is to take some action to help the kids, and so we're taking things off the walls and putting other things up on the walls now they represent their cultures and their lives based on who they are. Teachers need to be trained to teach students who are coming in with different cultures and with different language. It's been a big effort to work very hard to help get an awareness right in the classroom with the [children].”

◆ RECOMMENDATION

Hispanic Female Participant (Court Interpreter):

“(Participant begins by speaking in Spanish.) How do you feel when I start speaking Spanish? You feel kind of uncomfortable. You don't know what I was saying. I work as interpreter for the court. When I go to the court, some

of the people there know what they are doing, but some, they don't have a clue. They come to me, and I try to translate what they are saying, and they don't understand what the laws are. What can we do to be able to help these people so they can be successful and so they can know the law? I was thinking maybe we could have a program, maybe interpreters of the court, a mentor who can work with these people in the Spanish community to make them understand what is being expected? What are the rules and the relations that you want us to follow? I think with that maybe we'll have less people that will be in trouble. Sometimes I help them even after court because they don't understand where they have to go after or where they have to pay the fine. I follow up with them so they can understand how the court system works a little bit as I learn. Those are important things we need to address. Now, for the youth, especially for the youth of minorities in the court system, they need a lot of mentors, mentors from their own race, mentors maybe that are successful and that have some culture so they can guide them in the right way."

◆ PRISON ISSUES

Perception: The judicial system needs to look at other alternatives rather than only sentencing people to prison.

Male Participant (Chaplin):

"I'm a volunteer prison Chaplin. In the time I've been going out to Iron County facility and up to Gunnison in Beaver, I've met a number of people and I've wondered at what it's accomplishing. What are your reasons for using incarceration? It's evident, at least from everything that I've read and people I've met in prison, that not everybody needs to be in prison. Some could benefit from creative sentencing. What seems we're doing right now is we have turned our state criminal justice system into a rather profitable system in which we build prisons and jails and then fill them in hopes that somehow this is going to alter their tendency for crime. What I began thinking is we're turning them into very dependent people who rely on a system that gives them everything they need, from a wake-up call, to the food, their clothing and they really don't have to do much for that. So when they leave, they're a sense of inadequacy, a sense of dependency. They are deeply involved in what is called a web of our judicial system. It's more like a dragnet. And on restorative justice, I understand it began in Canada with native people who knew how to restore their relationships when they've been fractured and this is what it's about. Crime is a very intimate experience, and I think our criminal justice system depersonalizes, dehumanizes and leaves an individual, victim and perpetrator, deeply hurt, deeply pained. It takes years for people to get over this, and some victims never get over it."

Perception: The prison discriminates against Native American visitors.

Native American Male Participant:

"I'm tribal employee. I think my issues as an employee are that I work with the alcohol and drug program, and in doing that I have occasion to visit tribal members that are incarcerated. And especially here in Iron County and Washington County, there's a few places that I had the hardest time getting in to visit with the tribal members. And one time down in St. George or Washington county jail I went there and waited two and a half hours to visit with a person that asked me to stop by. And there's kind of an irony to it, because here in Mormon land, a Catholic father was allowed to go before me. It only took about 10 or 15 minutes at the most, but I had to wait all that time. And here in Iron County, the correction facility, I had to go through a little talking with the former director . . . and when I went to visit with the person, I was directed to him and in his office I was accused of being drunk. And that was in 1991, and I had been working as the alcohol counselor for about three or four years. But I still encounter this type of a discrimination."

◆ DISCRIMINATION IN THE JUVENILE SYSTEM

Perception: Appointed legal counsel tend to work more for "the system" than for the minority youth they represent.

Native American Male Participant:

"I've been a parent going through the juvenile system. I feel that the judge, attorney or district attorneys didn't give us a fair chance because they wouldn't allow parents to talk too much. What made me mad was appointed attorney didn't give us a chance to talk about what was going on with the justice system. Finally a year later somebody from the justice system said, 'You know, you guys [had] a chance to counter suit this stuff.' I asked, 'Why didn't I get

informed before.’ Why didn’t I get a chance to go and say I want to get me an attorney, can I counter sue? So they didn’t give me a fair chance one bit. That kind of made me upset. It seems like the D. A. and all them guys made a bet, a deal with themselves because I don’t think we get a fair judgement. Our daughter got in trouble with the juvenile system when she was just a little girl for a reason which wasn’t fair judgement. Well, she’s [20 years old] and had a little incident this year. The judge looked at her juvenile records again. She’s been clean and married for five years. Why is it that you can go back and dig up the juvenile records and hold it against her now? It seems like they’re not listening to any of the parents. They want to leave us out, the little people. Having records [expunged] is one thing that I wasn’t aware of it. We didn’t have the chance to be involved in this. I have to get an attorney to do my talking for me, which I feel I shouldn’t have to get an attorney when I can do the talking for my kids. If I went and made my peace and talked to them, I’d probably be thrown in jail for just speaking up. I know one incident we were going to juvenile court this is what happened to my lady here, she got thrown in jail for speaking her peace. She was just speaking up, telling the judge how she felt. Where’s the justice on that? Especially with experiences we’ve had with the DA, and the judges around here, they got to start learning to be fair with minorities.”

Native American Female Participant:

“I landed in jail after I asked for representation. The [judge] became very angry at me and said that I should have taken my daughter, grabbed her by the hair and took her to school. I was very upset because I don’t believe in child abuse and I made that remark. I said, ‘But your Honor, that’s child abuse.’ He said, ‘You’re in contempt of court, you are going to jail.’ I went to jail for my daughter. After that I realized that our Native American people do not have legal representation for their culture. We don’t have that. We have no one to speak for us so we have no choice but to go with the ones that are appointed to us, and who work only for the system for what they want to do to our children. My child that I lost last year in June was first involved with the school system that wasn’t fair. What kind of school system is that without any culture representation either? I’m glad to hear there is a [program] one being developed. I’m sad that it came too late for my son. He had a learning disability. They ignored that. I am mad not only for my son, but the rest of the children here as Native American people. We need to do something for them, for our elderly, too, the ones that have to hire lawyers because their parents can’t do it for them. Yes, I agree we need to get educated and that we need to get some kind of legal system here for our people.”

Perception: The mind set of attorneys demonstrates unfair treatment of minorities.

Native American Female Participant:

“My kids have gotten into the juvenile system and I’ve had good relationships with the law and the judges and the lawyers and the police officers, But the last time that I was at court, I was sitting in the audience and the lawyers were talking about these people that were going to court just like they were pieces of meat, and what they were going to do with them. I was going to write a letter and tell them just what I felt like because they were talking about my son and what they were going to do with him.”

Perception: The poor are also affected by the breakdown of proper legal representation.

Anglo Female Participant:

“We are poor and they tend to treat the poor in a very adverse way. I confronted our public defender the first time we went to court without an attorney present. I told him I didn’t want any more proceedings to happen without him there, and he came right out and told me in a very nice way he wasn’t going to do anything to jeopardize his job. So when you do [make recommendations in the final report], just remember the poor in there too, because the poor seems to get just as much slack as the Native Americans, the Mexicans and the black. We’re not as bad unless you happen to be black and poor or Native American and poor, but it still happens.”

Perception: Stereotyping of minorities begins with the school system and perpetuates the same labeling throughout the juvenile system.

Native American Female Participant:

“We came from Nevada and my kids got along with all the cops. And then we moved here, got to the school system and all of a sudden my kid is from Nevada, and he’s in a gang. He’s from a gang. He hangs out with all the Indian kids. All of a sudden he’s a gang banger. All of a sudden he’s the master of the gang. He wasn’t even in school one

month and they had stereotyped him already. And I hate the school district here because they stereotype the kids all the time, all the Native American kids. [My son] hates the judges, and he hates everybody because they already stereotyped him before he was even 14 years old. They've gone through the court system like every week. It makes me so mad because it started off with the school system, and then to the court system that he's a gang banger. And I don't like the idea, the school district and saying that about these Indian kids because they are not. They're all cousins and they hang out together. They are not gangs."

TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN LEGAL SYSTEM
St. George Public Hearing
March 6, 1999, 1:00 p.m.
Summary

Opera House
212 North Main Street
St. George, Utah 84770

On March 6th, 1999, a public hearing for the community of St. George was hosted by the Southern Utah Hispanic Committee and St. George Police Chief Robert Flowers. About 200 people attended; the meeting was conducted in English with Spanish translation. The following is a summary of themes discussed in the hearing:

Task Force Members present:

Justice Michael Zimmerman
Judge Tyrone Medley
Mr. Chris Martinez

Subcommittee Members present:

Ms. Leticia Medina, Juvenile Committee

Staff:

Ms. Claudia Galvez
Ms. Jennifer Yim

Interpreters:

Ms. Nydia Ramussen
Ms. Claudia Zundel
Mr. Jonathan Zundel

Guests:

Mr. Rich Montano, Utah Coalition de La Raza

Issues discussed:

◆ **LAW ENFORCEMENT LACK OF KNOWLEDGE OF CULTURAL CUSTOMS**

Perception: Police interact ignorantly when dealing with Native American traditions.

Polynesian Female Participant:

"I'm actually a local attorney here. To my knowledge, I have not personally experienced any types of racial bias, but as attorneys, I think I just don't get that kind of thing. I didn't get it as a woman either, but I hear about it a lot. We have a couple in our ward, she is white and he is Native American. They have called me two or three times because they'll be doing things [at which] the neighbors take offense and the police will come over. They're not doing anything different from what other people in the neighborhood do except [that they are] Native American things. One night they were drumming, [to] which there are spiritual aspects, too. The police came and told them they had to stop. They said it's because it's offensive. They pointed out that the other neighbors, teenagers, were playing their music. They responded with, 'Yeah, but it doesn't bother them. Your drumming bothers them.' To me that's a cultural thing, and it is tied right in. They have a sweat lodge that they built in the backyard which does

not require any type of a building permit, they went through all the procedures, and they have been called on that. The officers came over and responded to the charge. It [does not] put out any more smoke than a barbecue grill, but they'll get called and none of us get called on our barbecue grills."

Anglo Female Participant:

"My husband was the one [name] got up here and was talking about. He was teaching some youngsters, some grade school kids, to sing around a drum at our house. There was also a band across the street playing the same night. The police officers came to our house and told us we had to stop, that it was bothering the neighbors. It was just one neighbor that complained. And we asked why it was illegal and we were told because it is not normal. One night after a sweat, the police officers showed up at the house and said we need to stop. They said, 'Well, that's illegal.' I said, 'It's not illegal.' They said, 'It is.' I asked, 'What's illegal about it?' And again, they said it's not normal. We've cleared it with the police now except that now every time before he goes to sweat we have to call dispatch to let them know that it's happening so that the police won't come to the house and tell him it's illegal."

◆ LAW ENFORCEMENT DISCRIMINATION

Perception: The police seem to perceive Hispanics as a target group when stopping and arresting individuals because they seem to "fit the description."

Hispanic Male Participant:

"Do you remember a young lady about the age of 14 that said she had been raped by a Hispanic person. She described a person about the same size as me. I don't remember if he had one or two missing fingers. Do you know how many Hispanic people are missing one or two missing fingers? Let me show you. See my hand [He shows his hand with a missing finger]? It could have been me. They could have taken me in and put me in jail unjustly. While they were investigating I would have been in jail and my family would have suffered. Afterwards, it came out in the newspaper this young lady was just playing around, apologizing, and said it was a lie, that it wasn't true. She just was doing things that she shouldn't have been doing at her age. If something is not going on correctly here, it should be changed. There is no reason we should have fear. It is in us, 'we the people', that have to make this change within the laws."

Anglo Female Participant:

"My husband is Native American, and we really enjoy living here in St. George, but as people have been saying, there's a lot of subtle things that add up to a lot. One time they had an officer from the drug task force or gang task force come [to his place of employment] and was describing what gang members look like and how to look out for them. The officer got very agitated as he was describing what gang members looked like, and finally, he pointed to my husband and said, 'In fact sir, they look like you. Are you a member of a gang?' We found that he gets stereotyped a lot. He's at the point where he refuses to drive in town. I have to do all the driving. If he wants to go somewhere, he has me drive and when I throw a fit and say, 'You're being paranoid, drive,' and he gets pulled over. He's been pulled over for throwing a sunflower seed out the window. He's been pulled over for the light over the license being burnt out. He's never been pulled over immediately. He can see the cop following him for about a mile. When he's pulled over, most of the time he's not cited, but *his* license is always run through a check. In fact, one time I was pulled over and they asked for his license. I keep telling him sooner or later all the cops in town are going to know him and that will stop. We just feel that there's not enough minority representation on the police force, and they're not educated. We realize that gangs are a problem, but the stereotype is not as clear for the police as it could be. My husband does not walk with a gangster walk. He doesn't have tattoos. The only thing he has is dark skin and long hair."

Polynesian Female Participant:

"I remember one case in particular where they were pulled over, they were Hispanic and they were driving a car with California plates. The [police] ended up charging them. They arrested them and took them to jail and told them the charge was possession of forged social security cards, which my first thought was [that] there's no way you could suspect them of that on the road. They posted bail and were ultimately never charged, and that just really offended me. I felt they were trying to come up with a charge to justify the pulling over. I was glad that our prosecutors apparently reviewed it, or somebody reviewed it, and realized that it was baloney."

Hispanic Male Participant:

“My son was attending middle school. He was walking home with a group of three other Hispanic friends. They were at about 700 South at the Texaco when a police [car] rolled up and got him and his friends, made my son and all of his friends pull up their shirts to check for tattoos. My son was only in eighth grade at the time. When my son came home and told me, I went back as fast as I could to get hold of those officers. I said, ‘You have no right doing that. My son has not broken the law. If he breaks the law, you arrest him, take him to jail and then look for tattoos there. I will not allow my son to pick up his shirt in public in broad daylight ever again.’ He was obviously stereotyping him. I said, ‘My son has rights.’ In another incident, they have taken pictures of those who did have tattoos and let them go. But yet they have not broken the law. Whenever he’s riding with his Hispanic friends, they make him get off the bicycle to check for ID numbers to see if it’s stolen. When he rides with his Anglo friends they never make him get off the bicycle to check for ID numbers. I guess they don’t think we can afford bicycles.”

Hispanic Male Participant:

“I was harassed by a couple of drug enforcement agents here in town. I had just gotten off work and I happened to be wearing a hat for work. I was driving down the road and I turned my hat backwards. The next thing I know these drug enforcement cops were on me. One came up to the window on my side and his partner on the other side. The partner had his gun drawn, and he said that I didn’t have my blinker on or some stupid thing like that. Anyway, I felt like I got harassed. So I went to the police department to make a complaint about it. I told them that I wanted to see a sergeant to make a complaint about an officer that I thought was harassing me. An officer came out and got me. He had me tell my story. We ended up getting into a little argument because of the way he came off to me. I found out later that the guy wasn’t even a sergeant. A few month’s later my car was vandalized. Somebody had slashed the tires and written graffiti on it. The officer that came to take the report was the same one that impersonated the sergeant. The first thing out of his mouth was, ‘That’s what happens when these kids are involved in gangs.’ My daughter has never been and will never be in a gang, but that’s the first thing the officer said. They have no sense of communication. They think they’re all that, that we need to listen to them, that what they say goes because they have a badge on. But there’s a handful of those kind of officers here in this town that are like that.”

Recommendation:

Hispanic Female Participant:

“[Police officers] just need some communication skills or to be fired. Because the way this town is growing, it’s not going to be long before something real bad happens. So I think one of the biggest things is that some of these officers here need to take some communication classes.”

Perception: Hispanic minorities are falsely accused.

Hispanic Female Participant:

“One of my friends was looking for a car to buy. He saw a car parked on the street with a sign that said for sale. So he stopped and was looking at the car. The people inside the house proceeded to call the police. When they arrived, they arrested him. I don’t know what the charges were, if there were any, but they assumed that because he was Hispanic he was either going to break in or I don’t know what else they were thinking, but he was arrested and the only thing he wanted was to buy a car. So there is a problem here in St. George.”

Perception: The police will not listen to minorities.

Hispanic Female Participant:

“I had to call a police officer to have a problem resolved. Because of my last name is [*Hispanic last name*], they assumed that I don’t know the language, that I’m ignorant, that I don’t know the laws, and many times they will not even listen to me. They will listen to the other person. That [makes] it a bit disturbing. I know I’m not the only one with this experience. I know for a fact that many others share that experience with me.”

Native American Female Participant:

“My husband and I are part-time residents on semi-retirement. We’ve had the opportunity for about 30 years to live in all parts of the Western United States, Indian reservations and all over. We primarily work with Indian tribes, different issues in criminal justice and social services. But I’ve run into a few things here. I think that the problems people are having are more subtle. I’ve felt it. We’re kind of cosmopolitan people. We feel it here more than anywhere else we’ve ever lived for some reason. I was involved in a fire here over on 94 Diagonal. We [own] a little apartment there. I was unhappy with the whole way it was handled because we barely got out with our lives. I did run into an altercation with a family member of the person who was [living] in the front. She started insulting me, and here we were hardly breathing and barely got out alive. She came over and started parading [around] telling me it was our fault. The police officer came directly from directing traffic there. He came to me, put his finger in my face less than a foot away and said, ‘You shut up. If you don’t shut up, I’m going to take you to jail.’ [Why? Because] I’m a brown skinned person? I have no idea. I’m in my [own] driveway, but I was shocked. The white lady was standing right there, he didn’t say a word to her. That was my yard she was standing in and she was insulting me, but he came right over, stuck his finger at me because he saw color. This is a little experience, but I’ve [had] other ones, little subtle things, but I understand how people in this town feel who are a minority. It doesn’t matter how much hard work you do, that you are a good citizen, taxpayer and care about other people. When people treat you like that it makes you feel little.”

◆ **CRIMES COMMITTED AGAINST MINORITY WOMEN**

Perception: Crimes are committed against undocumented minority women.

Female Participant:

“There was someone working in a welfare office here that was only working with [female] immigrants. He would have them come to the office when it was closed, and he was raping these women. He was telling them that if they wouldn’t put out their favor that they wouldn’t get their checks or they wouldn’t get their money or they wouldn’t get their benefits. This happened to a lot of women here. They are extremely frightened to talk. I don’t see any of them here today, but I bet you they’re here. The reason that they’re frightened to say anything is because they feel that they would take the benefits wrongly, and they were told, ‘If you say anything, I’m going to turn you in. You’ll be deported.’ I know it was reported to the domestic violence people here who had heard it a hundred times before and begged the gal that I went with, begged her to mention something to the district attorney, but she was frightened. She’s still frightened, and it just makes me sick.”

◆ **DISCRIMINATION IN THE JUDICIAL SYSTEM**

Perception: Hispanics are discriminated against and are not given fair representation.

Hispanic Female Participant:

“We went to a lawyer to help us. He spoke to us in Spanish because he didn’t think we understood English. The lawyer that we went to spoke to another lawyer. That lawyer said, ‘Sometimes these ignorant Hispanic people don’t understand the contract or they don’t read the contract. Sometimes they don’t read it and sometimes they do. You need to be careful with the Spanish people signing these contracts.’ This, of course, made us feel really bad due to the fact that we’re not ignorant, and in this community we are being thought of and treated as ignorant people.”

Hispanic Male Participant:

“He put a complaint in to the Salt Lake City office of discrimination. He said he called twice by telephone and the office told him they [appointed] a lawyer that was going to help him with his [job discrimination case]. It’s been six months and nothing has happened.”

Hispanic Male Participant:

“He was driving his car down the road and this young man in another car illegally crossed the intersection and smashed into him. So the police came. They talked to him and set up a court date for him. At the court they said he was going to need someone to interpret what was going on, and when he got there he didn’t have anybody. So the judge said, ‘Well, the young man that ran into you, his mother speaks Spanish, and so seeing as how no one is here to translate for you, she will be the one translating.’ So when they got up, she was translating. He

understands a little bit of English. He could tell that whatever she was saying was a bunch of baloney. The judge, after a while, determined that [the defendant] would have to pay half to fix the car of the young man. And he is still paying for the other car. There's nothing he can do. That's what the order said and that is how the judge determined what he should pay."

Perception: The courts system discriminates against Hispanics.

Hispanic Male Participant:

"[The police] gave my daughter a ticket and when she went to pay for it, they charged her \$75. She didn't have the \$75 so she had to go back to her house. The next day she went back and she had the \$75, but a different [clerk] attended her, and she only charged her \$40. My daughter said, 'Well, the other lady wanted to charge me \$75. Why are you only charging me \$40?' She replied, 'Don't say anything, but she doesn't like [Hispanics].'"

**TASK FORCE HEARING ON RACIAL AND ETHNIC
FAIRNESS IN THE LEGAL SYSTEM
Fort Duchesne Public Hearing
March 26, 1999, 6:00 p.m.**

Ute Tribal Auditorium
6964 East 1000 South
Fort Duchesne, Utah 84026

On March 29, 1999, a public hearing was held at the Ute Tribal Auditorium and was hosted by the Ute Tribe. About 75 people attended. The following is a summary of the themes discussed at the hearing.

Task Force Members present:

Mr. William Afeaki
Mr. Daniel Becker
Mr. Chris Martinez
Ms. Haruko Moriyasu
Judge Jody Petry
Justice Michael Zimmerman

Subcommittee Members present:

Judge Debra Ridley, Client Committee
Kenneth Wallentine, Courts Committee

Staff:

Ms. Claudia Galvez
Mr. Brent Johnson
Ms. Jennifer Yim

Issues discussed:

◆ **LAW ENFORCEMENT DISCRIMINATES AGAINST NATIVE AMERICANS**

Perception: Police discriminates against Native Americans when stopping or arresting individuals.

Native American Male Participant:

"I would like to address so-called profiling. In November of '98 I had just crossed over from Nevada into Utah, and I was driving an RV, and there was a road block. There were about 15 police cars there, federal, state, county. There were a lot of police with machine guns and everything else. And the white people, they just let go, and told them to go on through. They saw me and they pulled me over to the side and they asked me for my registration, insurance, and I showed it all to them. And then they check all this up on their radios for any warrants or anything. They didn't find anything. And then they asked me the question they always ask: 'Do you mind if we search your vehicle? Have

you got any drugs or guns?' And I told them, 'No. And yes, I mind if you search my vehicle.' But that doesn't make any difference to the police, because they searched it anyway. And they didn't find anything, and finally they let me go. And I'd just like to say that this country is built on racism. Every action in this country of the governments, counties, peoples, is dictated by the racism and domination and is everywhere in this society. And it's something that white people don't want to address because it's such an ugly thing and it's such a guilt feeling. And until such time something serious is done about it, minorities have to live in fear and suffer the sequences. And until Anglos [become] a minority or white people go over to Watts and experience it firsthand, they don't realize what terror it is living in this society."

Native American Male Participant (Charles Gray, former Tribal Police):

"Everyone knows what's going on. I wrote to the governor over a year and a half ago about this profiling, and anybody that rides up and down the road with their eyes open can see it. And I went over and talked to the lieutenant over at the Highway Patrol, and I may as well have stayed home."

Native American Female Participant:

"We were coming back from Salt Lake and we were stopped near Duchesne. The cop came over and he told us to roll the window down. He asked, 'What are you doing?' I said, 'Nothing,' and I showed him my diver's license and everything. He told me, 'Step out and put your hands up. I smell marijuana in your car.' And I said, 'No, you don't. My husband just got through smoking a cigarette.' And he said, 'I know the smell of marijuana.' And I said, 'Well, so do I and it's not marijuana.' And so he told us how to put our hands up. They put their guns on us and everything and they checked the car and they said, 'Open the trunk.' And my husband had some pet rabbits at home, and he'd go out and chop down alfalfa to feed the rabbits. So the [officer] said 'What is this?' And my husband said, 'It's alfalfa.' And he said, 'No, it ain't. I know what marijuana looks, like.' 'Well, so do I and that's not marijuana. That's alfalfa.' I said. And so we stood there with our hands up. And he said, 'Don't move.' And finally another cop pulled up, and they talked to each other. He came over and looked, and he said, 'Well, okay, I'll let you go.'"

Perception: Law enforcement makes racial slurs against Native Americans.

Native American Female Participant:

"I have been pulled over, I would say 100 times. The first question isn't, 'Can I see your driver's license,' it's, 'How much have you had to drink, Ma'am?' And I don't drink. I work late hours; that's why I'm out late at night. So I complained to one of the police officers that I knew, and I said, 'Is this correct for them to pull me over for no reason, because there's no ticket, no anything issued. Are they supposed to be able to do this?' He said, 'No, ma'am. You go file a complaint. They can't do that to you.' Three days later *he* pulled me over. When he saw my face, he backed up and he said, 'Oh, I'm sorry. We're just trying to catch drunk Indians. I mean -- oh, I'm sorry.' Now, what kind of attitude is that? If we have to be afraid of our police force, regardless of which one it is, if we have to be concerned for our safety, we have no constitutional rights and our children are afraid to be out because they know they're going to be harassed."

Perception: Law enforcement accuses minorities falsely.

Native American Female Participant:

"The Roosevelt Police pulled us over and told our driver, 'You smell like marijuana. Would you ladies please get out of the car.' We got out. They started searching our car. But before you know it there was about five police cars, with all their lights on. Then everybody was looking at us, so I said, 'Oh, man, this is going to be in the Ute Bulletin.' So after searching our car and they couldn't find anything. 'Well, you still -- it must be perfume,' they were saying to our driver, and said, 'This smells like marijuana.' So we were saying, 'Oh, man, we better write to Avon, you know, and tell them to stop producing that kind of perfume or else we'll all get caught all the time.' So, it's really bad in here in Roosevelt. So we go over there [only] when we have to. There is a lot of prejudice."

Native American Male Participant:

“I’ve been harassed by the Roosevelt P.D. Officer [name] and [name] harass me all the time. They see me walking down the street and they pull me over and tell me, ‘We can smell alcohol on you.’ I wouldn’t [have been] drinking, but they continually harass me all the time, and one time he told me I wasn’t drunk, and he told me, ‘All right. We’ll let you go this time, but I’ll catch you, [name]. You just wait. I’ll get you one of these days.’ And he’s just always accusing me of all kinds of stuff. And they’d pulled me and my cousin [over] more than one time. He asks us what we’re doing and told us that they had a report that we were drinking and that’s why they pulled us over. And we had no beer bottles or nothing in the car, but we had cleaning supplies. And the officer goes, ‘Oh, here’s a drink. And we pulled you over because we saw you guys were hustling.’ But that was our cleaning supplies for the car, because we cleaned the car because we just got it. And they just searched the car for it and all other kinds of stuff, and they could see that it was cleaning stuff. And then about 20 minutes later we were parked downtown, and the same officer come up and pulled up, surrounded us, and just harassed us, telling that we were drinking and all this other stuff we weren’t. And I said, ‘Hey, where’s the BIA cop at, you know? I mean, I’m a tribal member. I need a BIA cop here.’ And he goes, ‘Well, you just sit your little fat, you know, rear-end down right here.’ Okay. He never called the BIA cop. And then he left.”

Perception: Police violate 4th Amendment rights and search without a warrant.

Native American Male Participant:

“And one time I was in Roosevelt. I can’t remember what that officer is called, but this cop comes up to my door, knocked on the door, and said he had to search our room because we burglarized something or something like that. And I said, ‘Hey, man, you can’t come in here without a search warrant and search. You’re not BIA, you know.’ He said, ‘Well, we don’t have to be BIA to come in here.’ He came in and started searching through everything and he took me to jail and all kinds of stuff. Every time they’re always right there ready to pick me up for something I never did. And I just don’t understand why they do that.”

Perception: The police department will not hire minorities.

Native American Female Participant:

“I asked both counties and the Roosevelt Police Department, why can’t they hire minority officers? They say they don’t have the funds.”

◆ **RECOMMENDATIONS:**

Native American Male Participant:

“I used to be on the tribal police, used to be a senior member of the tribal bureau. And these things that they’re telling you here I have found to be true. I see [local officials names]. I personally believe that they might not be able to stop it, but you can put a crimp on it by talking to these officers when they make those arrests or they come to court.”

Native American Female Participant:

“If there’s anything you can do, in my opinion, it is to make the police department accountable for their actions, make the county officials accountable for their actions, make them all obey the laws, because they are written down already. They’re already out there, if they just could follow them. Then racism wouldn’t be an issue, because it’s already in black and white.”

Native American Male Participant:

“I have a son that graduated from POST, and they’re really lacking on what they’re teaching those people. The tribe has asked for cultural conditions on the cross-deputization. And they ought to teach sensitivity in there, because some of those guys are crude.”

◆ **DISCRIMINATION AGAINST MINORITIES IN THE JUDICIAL SYSTEM**

Perception: Guilt is placed upon Native Americans while Anglos go free.

Native American Female Participant:

“My son was picked up in Ogden because he was fighting with his girlfriend, and during the process they found some drugs in their room. They just charged him with possession of drugs. His girlfriend is [Anglo] and why did they just take just one person to court? His attorney said, ‘Well, you're going to have to plead guilty.’ So he ended up pleading guilty and got sentenced to one to five in prison.”

Native American Female Participant:

“Some [Anglo] guys [went after] a friend of ours and pulled the drunk guy out of the car, and proceeded to beat him up. He was [taken] to the hospital. He had stitches, a broken nose, and everything. After he was discharged from the hospital they took him to jail but they didn't take those other white guys there. How can a person that's so intoxicated, that couldn't walk, try to fight these other guys who were not drunk? And stuff like that happens around here and nothing's done. [It's] because [what] Indians say is dismissed as hearsay [as if] you [have not] said anything, like you were not there.”

Native American Female Participant:

“We were driving through Roosevelt on Main Street. These white boys, they were in a truck and started calling [my daughter] names. They pulled into a Chevron station in Roosevelt. And my husband pulled in on the side of them. He got out, he went to those boys, and he asked, ‘Can I speak to you guys for a while?’ He said, ‘My daughter said you called her a bitch.’ And that guy said, ‘Yeah, I did. What are you going to do about it?’ The other boy comes up behind him started to push him and all three continued to hit him. I was about five months pregnant. I was yelling at people to call the police.’ And one of the boys turned around and I jumped on him and I grabbed him. And he threw me down on the ground. He said, ‘What are the cops going to do? They're not going to do anything to me. Go ahead and call them.’ And I said, ‘I'll have you arrested for that.’ And he said, ‘They're not going to do anything to me.’ They got in the truck; they were pulling out. This lady in a white car pulled out and told them, ‘I'm trying to back up.’ She stopped them from pulling out of the gas station. When the cops got there, they pulled back in. They all jumped out of the car. Two of the boys ran in the store and threw some stuff in the trash can.

“The police officer asked us what happened, and we told him. Those boys said that we were harassing them. They all asked the questions, we told them what happened, and they let the boys go. ‘Why are you letting them go?’ He said, ‘Because you were the ones who started it.’ And I said, ‘We didn't start it. He just asked the question, Why did you call them names?’ And he said, ‘Well, there's nothing I can do.’ I said, ‘I want them arrested. You can't just let them go. They hit my son.’ He said, ‘I'm sorry. If I arrest them, I have to arrest you. You assaulted them.’ My husband ended up in the hospital the next day, with a fracture on the side of his face. My son had a bruise on his face. One of the ladies that works at the Chevron station reported that those boys were drunk, that they were throwing beer cans in the trash can. She saw them do that. They let them go. When they drove away, they squealed out of there screaming, hollering, taking off. To this day nothing has happened. I [have] taught my kids, ‘You have to trust the police officers.’ Police officers can stop racism because they have the power. But how do you expect everybody to be treated equal when they're not treating them equal? If they have that power to stop fights, then they have that power to stop everything. But they use it wrong. The next day they said there were no witnesses, there wasn't anything they could do to those people. They said to call [officer name]. He's the one; he filed a wrong report. The next day we went to talk him. He had something totally different down [on the report]. [Officer name], he's one of the biggest problems over there. He's a very prejudiced one. And sometimes the attorney won't even do anything about it. He keeps putting it off. He's just as bad.”

Perception: No repercussions to Anglos who commit vehicle manslaughter.

Anglo Female Participant (Ute Tribe legal counsel):

“There was a tribal member by the name of . . . who was intoxicated and was trying to cross Main Street in Roosevelt. He was run over and killed by a non-Indian woman. The police report has the victim's name. [But] on the police report it identifies the driver of the vehicle as ‘blue Pontiac.’ No statement was taken from the driver of the vehicle. She had a passenger, her sister in the car. Her sister said, ‘We could not see him until we were on top of him.’ And I guess she sees through her sister's eyes, because no statement was taken from the driver. People driving in the opposite direction did see Mr. . . . before he was struck by the vehicle.”

Native American Female Participant:

“There's a lot of incidents like that where the tribal member has been killed by a non-tribal member, nothing's been done. But when a tribal member is involved with a non-tribal, then sure as hell they're going to do something to that Indian. And what these people are saying is true, because I was a former police officer. I witnessed almost half of all these things that these people are saying, police force itself [is prejudice]. And I couldn't believe it. I became friends with my fellow officers until the day they told me, ‘Well, it's time that we need new equipment. Let's go arrest the tribal members,’ because the tribal members they know get dividends and they'll pay [any] amount just to be free. And that wasn't right to me. So when a tribal member was being arrested, I made sure that I was there on the scene when I was on duty, to make sure that this didn't occur, unnecessary force to the tribal members by the non-tribal police departments.”

Perception: Civil rights are violated due to discrimination against mixed breed Indians.

Native American Female Participant:

“My son was arrested and cited, detained, but he was never ever given any rights read to him. So we asked, ‘Why didn't he have the right to have some rights read?’ And we were told they did not need to read him any rights. [The day he was arrested], he was getting ready to go to work. He heard a knocking on the door, and he was surrounded by feds, the BIA, and tribal officers. They shackled and chained him and took him to Salt Lake up to the federal courthouse and stuck him in jail and held him. And they said the reason they came was because he had ignored a notice to show up in court. So we had our attorney check and he found out that no notice had ever been sent. My son is married to a full blood Indian girl. There were racial slurs made to him when they arrested them. The one officer told the [wife], ‘I can't help it because you married one of those mixed bloods. It's not my fault you married one of them.’ With the Termination Act we had a task force, and they knew it was a terrible fact, but yet nothing was ever done. And I'm hoping that you will be able to follow through and make some changes.”

◆ **RECOMMENDATIONS:**

Native American Male Participant (Former Tribal Police):

“I believe that the public defender should be taken out of the county attorney's budget and put into the county commissioner's budget. I think there's a conflict there. And I've gone over and represented tribal members at the license division when they came up for hearing, but they've and they told me I couldn't come there any more, and all I was doing was representing the tribal member.

Native American Male Participant (Former Tribal Police):

“I've been over here to Roosevelt, and there's been several different occasions where there should have been an interpreter there, that person did not understand what was going on. It was pretty obvious. There should have been an interpreter there. That is a critical issue in our courts, not just for the Ute people, but also for many other minorities that live here. Then there's the issue of adequate translation. And I know the Task Force has heard this issue expressed in other places.”

◆ **JURISDICTIONAL DISCREPANCY**

Perception: Problems are caused by a jurisdictional agreement that was entered into by surrounding counties except the City of Roosevelt.

Anglo Female Participant (Ute Tribe legal counsel):

“I'm one of the tribe's attorneys. We have not gone into educating people about how the non-Indian system sees things differently than the Indian system. But what we have done is entered into an agreement with the state, Uintah County, and Duchesne County, all of the jurisdictions out here with the exception of the City of Roosevelt, whereby misdemeanor offenses, and by far the largest number of offenses with which tribal members are charged are misdemeanor offenses, those will all be referred back to the tribal court, regardless. Felonies will not be referred to tribal court because of the federal jurisdiction problem.”

Native American Female Participant:

“If you really want to see how the discrimination is here, read the reply of the Roosevelt City Council when the jurisdiction [agreement passed]. The person who made that reply was just too predictable. If you read it, you'll know what I'm talking about.”

Native American Male Participant (Former Tribal Police):

“What these folks are relating it is true what they are saying. That is the worst place I've ever been in my life. It's gotten worse since this jurisdiction changed.”

Perception: Law enforcement does not comply with jurisdictional agreement.

Native American Male Participant:

“I was driving down by Hilltop, and I got in an accident there and rolled the truck in the ditch there. I feel I was treated unfairly by the state cops. They just come right in there and pushed their way around and took over my case. And I'm a federally recognized Indian. And I know there's an injunction in there right now, but I don't think it stands yet. And I feel that while I was there that the BIA should have handled my case for a DUI. I'd like to know how is it [possible] when this is supposed to be a sovereignty nation. How the state cops can come in and push their way around the BIA and take an Indian off the reservation and charge him with a DUI? [Another time,] I was hauling a horse to my field to drop it off and I had no lights on my horse trailer, and no signal lights. And then two Uintah County sheriffs pulled me over. And I said, ‘I'm Indian and I need the BIA here.’ And they called BIA, and [*officer name*] came up and said, ‘I have to come to his interest because he is a federally recognized Indian.’ Therefore she told me, ‘Don't worry about it, . . ., I'll follow you home.’ It was a good thing she followed me home, because down a few bridges there across the river there were the two Uintah County sheriffs waiting for me as I was going home. And I feel that is harassment.”

Native American Female Participant:

“This last Saturday I did have an accident on Hilltop, and it was on Indian land. This is a sovereignty nation and the county cop shouldn't have even been involved? It was on tribal land. I requested for a BIA cop, and what they told me was, ‘We are BIA cops’ and they laughed at me. And they didn't call any BIA or anything. They just gave me a ticket. Uintah County and Duchesne counties, they all make fun of the Indians. And to top it off, in order to get my truck back it cost double the amount. They think we're rich or something. The tow man only had one and a half miles to go to pull my truck to his shop, and he charged me \$470 to tow it for a mile and a half. And then I had to pay the state \$100. He said that Roosevelt told him to [tow my vehicle]. He wouldn't give me the [name] of who it was or any information.”

Perception: Jurisdiction problems affect the quality of service provided by law enforcement and the school system.

Native American Male Participant:

“The incident happened after school when I attended Union High School. The janitor had seen me playing. They're non-tribal kids that would bounce the balls in the hallway. I was laying on my back. I was holding the ball and the janitor came and wrestled me for the ball. He arched my back just to get the ball away from me. A lot of non-tribal members saw the janitor do it. Thirty (30) witnesses that signed on [my] behalf, non-Indians and Indians. At the same time they called an officer. [The high school is half in Duchesne County and half in Uintah County]. The officer asked, ‘Which side of the hallway did the incident happen?’ I told him, ‘Uintah side.’ At that time my back started to have muscle spasms. I said I was minding my own business doing my own thing. The officer there asked him what happened let him go back to work. They took me to the hospital, and the officer said, ‘Okay, we're going to get started on this as soon as possible.’ [My] back was fractured and I did receive damage to my kidneys. To this day there's nothing that's happened [to] Mr. . . ., who's one of the prominent people over there in the Mormon community. They won't do anything about it.”

Perception: Native Americans are charged with outrageous fees as a result of the jurisdictional agreement.

Native American Female Participant:

“Another thing that has happened since the jurisdiction issue has come up, is when they pick up our tribal members taken to Duchesne County and they charge these outrageous fines saying that the Indian people have money to get out.”

Perception: A sense of ambiguity surrounds jurisdictional issues due to a lack of information for both Anglos & Native Americans.

Native American Male Participant:

“We need to educate the tribal members in how we're going to deal with this [jurisdictional issue], because we can come here to the tribal courts and in some ways it's under the federal [system] and we really can't do much. I think both counties, even if the reservation's on both sides, each county should have their tribal and white folks here as some kind of committee to look at their own problems within Duchesne or Uintah Counties. I've always heard whites and Indians talk on both sides, ‘We have the same problems, we have the same ideas, we have the same misunderstandings.’ But the state of Utah says you must stay within the jurisdiction of your county. So that's where the law conflicts. I'm from Duchesne. I can say, ‘Hey, I have this problem.’ I come here to the tribal court, they say, ‘Hey, we can't do much because you're on Duchesne County side and you're going to deal with white folks, and that's part of the law there.’ We have no idea how it works. We've seen the papers, the pamphlets, but to really use it we can't, because of the system here. Then that's something that is out of our reach. It's like a cloud. It looks solid, but when you come to it is like air, you can't grasp it. Is this going to work or is it just a pipe dream that this committee is here?”

Perception: Juvenile court does not adhere to jurisdictional law and Native American youth suffer.

Native American Female Participant:

“One of my children spent three months in detention, because we said, ‘Uintah County doesn't have jurisdiction over him. He's a tribal member. Remand him to tribal court.’ The tribal court issued a paper, remanded him to tribal court. Uintah County locked him up for three months. And it wasn't until one of the judges finally looked down and seen how long that kid had been locked up. He said, ‘Even if he was found guilty, he's been in here way too long,’ so he released him. There were no charges. There was nothing on him. He's been picked up and released. And this goes on and on constantly.”

◆ RELIGIOUS PRACTICES IN THE PRISONS

Perception: Religious rights are denied to Native Americans in prison.

Native American Male Participant:

“I have a son that's incarcerated at the Gunnison prison. The sweat lodge is a religious ceremony, and all the Native American Indians are entitled to that. Some white people don't know anything about the sweats. I think they should be educated to know the Indian culture's way. [*State official name*] and all our tribal leaders and all the correctional faculties [need] to get together and make an agreement to put this sweat law there in the prison. It will do all the Native American Indians right.”

Native American Female Participant:

“I had a son in prison, and they refused him his eagle feather. He had to prove his Indian blood, which this county [and] state makes an Indian prove, if you're light complected, that you are Indian. They denied him his rights to go to sweats until we proved it. And then that takes a lot of time to prove to them. And still they don't have sweats out there. I know that for a fact, because we fought. We should talk about the reason, because denying that is to say that you must prove your heritage to attend a sweat is like saying that you can't be Mormon unless you have ancestors that pushed the handcars. It makes no sense. If the sweat lodges provide a spiritual release for people, regardless, then that should be allowed.”

Native American Female Participant:

“We're always lacking information. Communication is so bad around here, I mean even with the state and county and tribe. So therefore, nobody is eager to get over there and perform the sweat ceremony, because who you have to go through. Even that is secret. So everything's not open or the information is not there.”

◆ **JUVENILES ARE HARASSED BY LAW ENFORCEMENT**

Perception: Law enforcement profiling leads to the harassment of Native American youth.

Native American Female Participant:

“Our children are labeled as gang members there because of the way they dress. They wear the same pants as the non-Indians, the Boss pants, the big, you know, expensive clothes, and they're labeled as gang members. They're searched in schools. They're degraded in many ways. Parents aren't being called. And like my sister has spoken of earlier, Mrs. Hawkins, [the vice-principal,] her husband is the sheriff. So there's a lot of problems with that, and a lot of people aren't going to come forward.”

Native American Female Participant:

“Officer . . . stops us when we're just talking, standing there laughing having a good time. He won't say anything to the non-Native Americans. He'll say 'You guys did this, you guys did that.' He keeps doing that to us. He did that to me six times. He labeled us Native Americans as always being bad just because [we] like to wear big pants. And if something happened at the school he would turn around and blame the Native American kids. But that [*officer name*], I don't think he has the right just to come up just start saying all kinds of things if you were just standing there. So there's a lot of people that got complaints about that guy, and [*officer name*]. When I was 16, we were walking down the road and just having a few laughs. You know, kids like to just joke around. And they pulled us over and gave us breathalizers. And they were saying, 'Well, we saw somebody have a bottle.' We said, 'Well, where's the bottle?' You know, it's just a lot of things like that. It's just really kind of irritating, really, with the officers doing that to you all the time.”

Native American Female Participant:

“The racism here is very real and it's very scary. In my family I have one child who is afraid to go to Roosevelt. Now, that's wrong. They stopped into the Circle K to get a pop. They were surrounded by police officers. They were terrorized and horrified. A vehicle was confiscated, which we have filed papers dealing with that. But we make a joke about it so we can deal with it that he was arrested for being brown on Friday night. I mean, that is really sad. It's a serious, serious problem here.”

Perception: Minority youth are falsely accused by law enforcement.

Native American Female Participant:

“[My niece] was falsely accused of shoplifting by IGA Roosevelt grocery store. The person making the accusation was not employed by the store to be watching for shoplifters. He was just a friend of one of the supervisors. In the stores they have these samplers for hair dying, different color[s], like hair spray. She hit the button and the spray came all out on her. She used a mirror compact to try to clean herself off. On her way to the bathroom, she had placed the compact down on the shelf. They believed that she still had the compact and said, 'No. We saw her put it inside her pocket.' And she said, 'I don't have anything in my pocket. I already showed you.' But still they insisted that she had this compact. They said, 'We're calling for the police.' And then they instructed us again that they were going to call a female officer to come and search [her]. She instructed [my niece] to strip down to her swimsuit. She had a swimming suit, because we had just barely [returned from] swimming. The whole police almost the whole police department was right there and they were all standing there gaggy-eyed looking at my little niece, and that made me upset. And the officer was still looking at her, and I said, 'You're not going to find anything,' Of course, she didn't have nothing. She had a swimming suit on. Where are you going to hide a compact? I asked, 'Are you going to arrest her?' And he looked at me, and he said, 'No. You can go.'”

Anglo Female Participant (Ute Tribe legal counsel):

“I just wanted to say that one of the legal significant parts about their story is that when the non-Indian police arrived, the little girl who was charged with shoplifting took the police over to where the compact (the kind of compact where you can open the lid and not destroy the integrity of the powder) was. It was not in the cosmetic department anymore. It was by the chili beans. She took the cop there, showed him the compact. They had never accused her of stealing anything else. And they still took her upstairs and had her strip down to her swimsuit.”

Native American Female Participant:

“I have an older son. He was in school last year and he's not in school anymore. But the vice principal there at Uintah High School is married to a Chief of Police And she had my son searched and his locker searched three [different] times because he was [suspected of dealing drugs]. A month later he was searched again. And everything was searched top to bottom. They even had him take his clothes off. They didn't call me. They didn't tell me until the day later. So I went and I asked them, ‘Why did you do this? Why did you do this to my son?’ And she said, ‘Because somebody had said that they saw him selling drugs.’ I said, ‘Did you find anything?’ She said, ‘No.’ I said, ‘What's going on here? Why are you doing this to him?’ My son said, ‘Mom, I don't want to go to school anymore if they're going to do this, if they keep taking me out of class, they keep doing this to me, they keep harassing me. She makes me feel this small, like anything I do, anything that I do outside of the classroom, or if I just talk to somebody, she's going to search me, she's going to bring that police officer in and search me.’ He said, ‘I don't want to go to school.’ So I told the vice principal, ‘This is how you're making my son feel, unwanted. That's not your purpose here.’”

Perception: Law enforcement automatically places guilt upon Native American youth instead of Anglo youth.

Native American Female Participant:

“My son who is 12 years old was attending a function at Uintah High School in Vernal. These white boys came up to and started harassing my son. So my son said, ‘I don't want any trouble, just leave me alone.’ They all turned around and walked away, but one 16 year old white boy. He attacked my son from the back. He hit him in the head with his fists. So my son turned around and my son proceeded to beat him. And at the time when the police officers all came, my son was getting the very best of this big white boy. They lifted my son off the white boy and threw him against the fence and handcuffed him. They squeezed the handcuffs so tight, my son's hand turned purple. And my son kept saying, ‘My hands hurt. My hands are getting cold.’ They threw him in the police car anyway with his handcuffs on. While that was going on my son said he looked behind and he saw them cleaning the pants of the white boy and brushing him off. And he said, ‘Mom, why did they have to do that?’ I said, ‘I don't know, son.’ But I did go to juvenile court with my son, and we had to pay a \$ 75 fine for that. And the officer knew this other boy had been in trouble numerous times, and that it was my son's first offense.”

◆ SMALL TOWN RACISM

Perception: There is a challenge to change small town ways when discrimination is deeply rooted.

Native American Female Participant:

“How can you stop this racism, this prejudice, when there are families involved? You have a county attorney that has the chief of police as a cousin or an in-law, and how can you stop that? How can you solve that problem when they're lying for each other because, ‘Oh, that's my sister's husband,’ or ‘That's my nephew.’ How can you break that barrier? We are small town. We are small-town America. And everybody knows that in the south that is so bad, but it's alive here, it's alive here on the reservation. We need more help. We have laws that protect us as Indian people, civil rights. How can we survive? Our faith is gone. The non-Indians wrote these laws to protect us, to help us, and then the non-Indians just push it aside and say, ‘Oh, well, that's their tough luck.’ And I see Mr. . . . here and they, and I will say this: A lot of our people in town carry two faces. They're all concerned, oh, yes, right here, and it's a big concern, but when they close that door it's a different story. And I ask you right now, you follow-up on some of these stories, these incidents six months from now, and you find out what's happened, because they probably pushed their paper underneath the cabinet too, and it's going to collect dust just like everything else.”

Native American Female Participant:

“I’ve lived here all my life, and I’ve seen the change from decade to decade. Now, what I see right now is that the fact that the police are corrupt. The police officers make the report that goes to the courts, are in favor of the non-Indians, okay? Herb Gillespie is sitting here. He’s here because maybe he’s interested in hearing what you got to say for us Indian people, what you going to do for us, or maybe he’s here because he’s interested and wanting to hear what we’re talking about. I hope that’s why he’s here. I hope that he’ll try to do something over there to let them know that we are not happy with the situation with the way it’s going over there. A lot of those officers over there are relatives of one another, or married to someone’s sister, someone’s cousin. Police reports [end up] so different from what happens.”

Perception: Discrimination against Native Americans has become worse over the years.

Native American Female Participant:

“I’ve lived here for the last 66 years, so I’ve seen a lot of things that happen in Roosevelt in the way of discriminating and judging people and labeling people. I would say it’s a little worse than in my time. [Then,] there was discrimination and there was a lot of labeling toward Indian people, but they did not treat us the way these new people treat us. And a lot of them we were able to talk to them. My husband and I had a problem [once, years ago.] I went to a movie, and he came in, and we [had] broken up, but he wanted to get back together again. You know, we started struggling. This police officer came in there, took us aside into the manager’s office, sat us down, talked to us. These people [now] will not do that. They’ll put a handcuff on you and slam you in the hoosegow around here or over there. They don’t give a dang about you. They don’t. But I always say those police officers in those days, they had a heart, they had a conscience. Like I said, they discriminated against us, bashed us with words and stuff, you know. We let it bounce off of our skins. But nowadays, I feel we don’t have any rights. And they don’t tell us, ‘You have certain rights,’ they don’t read you your rights, they just take them in there. Where is that Miranda rights? They don’t have that. Nobody knows that. But you’re supposed to be told your rights before they put you in that car. Nope, not here. Then when you bring it up, they ignore you.”

◆ RECOMMENDATION:

“The outstanding complaint of people has been the feeling of hopelessness and despair in a system that protects the law enforcement agencies and makes them immune from suit. Until such time, that the government allows both criminal and civil prosecution of government employees who abuse their authority, minorities and the public at large must live in fear and disparity. A system that requires accountability of those who are supposed to serve and protect, ensures due process of those it governs.”

**TASK FORCE ON RACIAL AND ETHNIC FAIRNESS IN THE LEGAL SYSTEM
Cambodian Buddhist Temple Focus Group**

April 10, 1999
11:30 a.m.

Cambodian Temple
3252 West 3800 South
West Valley City, Utah 84119

I. Welcome:

Ty Keng welcomed the Task Force members to the Cambodian Temple and introduced Claudia Galvez. Ms. Galvez thanked Ty Keng, Sokhany Nhem, and the Temple Presidency for hosting the Task Force in their temple. Ms. Galvez informed the audience of the information packet available which includes a fact sheet and client survey forms in the Cambodian language. Ms. Galvez introduced Jennifer Yim, Director of Task Force.

II. Task Force Mission Purpose of Meeting:

Ms. Yim explained to the audience the mission and purpose of the Task Force and the importance of gathering information. She also explained the about Task Force’s research efforts in obtaining a clear picture of ethnic

minorities in the criminal justice system. Ms. Yim introduced the Task Force members: Judge Tyrone Medley, Haruko Moriyasu, & Client Committee member, Leam Moeung.

III. Judge Tyrone Medley, Third District Court:

Judge Medley started out by sharing that it is impossible to know what problems are occurring in the Cambodian community without any input. He invited the audience to share their experience. He stressed the importance of participation from the minority communities in order to make meaningful change in the criminal justice system.

IV. John Hicks, Governor's Asian American Advisory Council:

Mr. Hicks expressed the greetings from Governor Leavitt and his wishes to the Cambodian community for a happy new year.

V. Leam Moeung, Client Committee:

Mr. Moeung spoke in Khmer and encouraged those in attendance to complete survey forms.

VI. Question and Answer:

Client Survey forms were distributed to all in attendance. After lunch was served, Task Force members separated into groups with audience members. The few stories gathered were of police harassment.

Sokhany Nhem received a call from a Cambodian woman who said when the police responded to a domestic violence call, they completely disregarded her version of the incident. When the police officers arrived, they completely ignored her and took into account husband's story, only because he spoke English.

The police harassed a Cambodian youth. The father confronted the officer and stated that he could not question his son without a legal guardian present.

A female Cambodian woman drove through Provo one early morning. She was pulled over and asked for her green card.

VII. Adjourn:

Meeting adjourned at 1:35 p.m.

SAMPLE OF CONFIDENTIAL STATEMENTS

Note: Statements were submitted to the Task Force throughout its public hearings via several ways.

- ◆ **Participants completed a written survey.**
- ◆ **Participant spoke to a Task Force or Client Committee member who completed a survey on the participant's behalf.**
- ◆ **Participant had a telephone conversation with a Task Force Staff member who completed the survey on the participant's behalf.**

Below is a small sample of the confidential statements received by the Task Force. Identifying information has been removed to protect the privacy of participants. The Task Force received approximately 200 confidential statements from the public hearing process.

◆ **LAW ENFORCEMENT:**

I entered the intersection as did the car behind me in the same lane. The officer turned his lights on and followed us. I knew he would pull over the car behind me. Instead he pulled me over, and said I had run the red light. I reminded the officer that the light may have been yellow and if anyone ran the light it had to have been the car behind me. The officer said, 'Oh you're one of those smart n---rs.' With my license and papers, the officer went to his car, returned calling me not by my name but my title. He said he would 'let me go this time' (*Participant submitted written comments*).

A female was pushing a friend's vehicle to assist in starting the vehicle. She was [stopped] by a police officer. She was yelled at and accused of auto theft by the officer. The officer wrote a note stating that she was stupid. She made a complaint to the chief of police who said that none of his officers would ever do what was done to her. After she made the complaint, she has been pulled over repeatedly and accused of stealing her car. Her utilities were checked to verify her residence. A police officer called [the woman's] employer to check [to see] if she was a "trouble maker." The woman is afraid of the system. She stated that she feels helpless, intimidated, and she also feels like she is being stalked (*Survey completed by Task Force member on participant's behalf*).

A disabled Native American female was presumed by a police officer as a "drunken Indian." This woman suffers from cerebral palsy and epilepsy. She accidentally tripped, fell and hit her head. All of a sudden she was jerked around by a female police officer. The officer kept asking her, "How much have you had to drink?"

[Because] there was a drunk man [nearby], the officer assumed that this woman was with him. The officer accused the woman of being a drunk which the woman denied. She asked the officer if she could smell alcohol on her, (the Native American woman). The officer said that she could, but she did not bother giving the woman a breathalyser test. The woman walked away to find a witness in the mall. The officer followed her, took her belongings, handcuffed her, threw her in a padded wagon and took her to jail. At this point, the disrespectful and unkind treatment received involved all those who came in contact with her that evening.

The woman laid on the cement floor of the jail for six hours. She was denied a blanket. When she failed to respond to being called, an officer prodded her roughly with her foot and commented, "I guess she's still alive." Finally, at 11:30 p.m., the woman was released. She was not able to retrieve her bags, which contained her apartment key and money until the next day. She was required to appear in court, but the charges were dismissed "in interest of justice" (*Participant submitted written survey on behalf of another participant*).

This individual was arrested for speeding while taking his wife to a doctor. She had an appointment because she was pregnant and was having pains. The police delayed the trip by searching the car, although they had no right. He was only stopped for speeding but now he has to go to court on drug charges (*Survey completed by Task Force member on participant's behalf*).

Two weeks ago, a Hispanic boy went to visit family in [Utah town]. He went for a ride and was surrounded by fifteen (15) Anglo males. Somebody called the police. When they arrived they arrested the boy for disturbing the peace. None of the Anglo males were arrested. A court date has been set in Richfield. (*Survey completed by Task Force member on participant's behalf*).

I was stopped by drug enforcement officers. They asked for my ID, drivers license and my green card. I gave them all of my documents. One officer began to question if my green card was real, he raised it up to the sun and began to say, 'I think this is fake. Are you sure you are legal?' I told them that they were real and legal. He laughed and said he didn't believe me. He called in my name to check for warrants. He came back and he said that if I didn't let him search my car, he could call immigration and get me deported, even if my papers were legal. I said, 'OK.' I knew he was wrong, but I didn't want to argue with him, he is an official of the law. Do the police officers have the right to ask for my green card? I thought only immigration did? He ended up giving me a ticket for not using my blinker, when I crossed lanes (*Survey completed by Task Force member on participant's behalf*).

Four black boys in their early teens, in the park with our church group, went to ride the Ferris wheel. They waited as the ride was going until it stopped. White passengers refused to exit the ride, claiming they were afraid of the gang standing there. Operators called the police. The police arrived and insisted that the black boys leave the park. When adults were summoned to the site, the officers and ride staff claimed they were a gang and had to leave the park

(Participant submitted written comments).

Two police officers harassed a man once he moved back into town following several years of absence. The officers found excuses to press charges and search his vehicle without permission. The man had placed empty beer cans back in the beer carton in the car because there were no trash bins around at the park. He was recycling but instead was charged for an open container. He feels he was targeted and followed by these officers. The officers would ask what he was doing at one location, and asked why he left and went to the next location and [so forth]. He was charged for not wearing a seatbelt and was sent to jail. His car was impounded. The officer made racial slurs about him and told him, "We don't want your kind here. We don't want you here." When asked to see a copy of the report, the man was told there was no record but only a computer print out. The officer whose signature is on the impound slip was not the officer that was on the scene. After complaining, the chief of police stated that he couldn't understand how that would happen *(Telephone survey taken by Task Force Staff member).*

◆ **LAW ENFORCEMENT, REPRESENTATION AND THE COURTS:**

Two officers came to my house. An undercover detective arrested me and said to me, "You're going down for 50 years." I was taken to the county jail. I was jailed for three days, then the detective brought me out to speak to me. I was told to plead guilty and the detective would only give me 25 years in jail. I did not know what the charge was. I was told that I was a drug dealer. I was in jail for a month before I was taken to a judge. I was held in jail for six months without bail. I was given the choice of a jury trial or a plea bargain for five years in jail. Finally, I had a jury trial and was found not guilty and [left with] \$30,000 in Attorney's [fees] *(Participant submitted written comments).*

[Law enforcement and the courts behave deceitfully, and violate Native American constitutional rights by:] conducting illegal raids, [fabricating] lies to make arrests, ignoring motions to dismiss cases [which are] clearly out of their jurisdiction, refusing right to reservation vehicle registration, committing perjury in court, and permitting [prejudicial] legal representation.

In [our area], our legal system consists of a predominate number of LDS members, establishing the moral views of a majority of a non-Indian government. The religion teaches that pureness is a White delightful race. How can we not see or have racism, when the fundamental values of an entire system, centers around a pre-eminent philosophy? *(Participant submitted written comments).*

◆ **REPRESENTATION:**

A woman had a relative who sold drugs. The police searched their home on a court order and found false documents, although they didn't find any drugs. As a result, four individuals were arrested and charged with possession of false documentation. One of these individuals is her husband. They pleaded guilty after the County Attorney took the case, and were [sentenced] to a three-month leave out of the country. The County Attorney dealt with federal immigration laws and issues over which he didn't have jurisdiction. The INS has never been involved in this case. The family didn't understand the American Judicial System nor could they speak English. The parents are undocumented while their children are U.S. citizens. They contracted [an attorney] to research their case and he told them that he couldn't do anything about their immigration status at this time *(Survey completed by Task Force member on participant's behalf).*

In 1984, this individual's son had a skiing accident and is now handicapped. He feels that the lawyers did not support his case and now wants to reopen the case *(Survey completed by Task Force member on participant's behalf).*

Her brother is being accused of a bank robbery that took place because of his prior record in another state. The brother has been in jail for seven months. He needs a lawyer" *(Survey completed by (Survey completed by Task Force member on participant's behalf).*

This individual's wife died in a car accident due to faulty equipment of vehicle. He hired [an attorney] to sue Ford Motor Company. The attorney never did anything to help the client and never made any progress with his case. The lawyer left town with the piece of faulty equipment. The client lost his wife and his car. The insurance never paid in full. The individual still owes money to the bank. The statute of limitations is almost over. Other lawyers do not want to take his case because [the attorney] took the evidence. Can he sue [the attorney]? *(Survey completed by Task Force member on participant's behalf).*

◆ THE COURTS:

This individual was involved in an auto accident. It was not his fault. [The judge] made him pay the other driver's damages. The other driver is an Anglo woman (*Survey completed by Task Force member on participant's behalf*).

◆ POST-ADJUDICATION:

One young man picked up another at his place of work. Both were in business attire and were immediately surrounded by parole/probation officers with guns drawn. They were physically pulled from the car, thrown upon the car, handcuffed and held. Officers at the second location radioed that the person sought was there. Most officers left while the two men continued to be held and were checked out for possible warrants. They were eventually released without so much as an apology. The case was adjudicated and the officer found liable (*Participant submitted written comments*).

◆ OTHER -- EMERGENCY PERSONNEL:

I suffer from epilepsy. One Sunday afternoon, my husband and I had my family over for dinner. I had a seizure. My brother called the paramedics. He went outside and watched for them. He noticed that an ambulance pulled up about four doors from our house. He went over to them and told them that we were the ones that called. The paramedic that sat on the passenger side told him, 'We don't go anywhere near you Mexicans, until the police get here.' My brother was taken aback and tried to get them to come to the house. About 20 minutes later the police drove up and by then I was beginning to recover. My husband, who is White, walked outside to complain to the officer as the ambulance pulled behind the police car. The paramedics ran into the house and began to examine me and by then everyone was angry at them. I even I began to tell them that I was fine, and I didn't need their service anymore. The paramedics insisted that I needed to be transported to the hospital and examined, the police officer supported their claim. So I went. My husband called the manager of the paramedic company that came, and complained about their service and treatment of us. The manager told my husband that he was appalled and apologized. He then indicated to my husband that we would not be billed for the ambulance. Fifteen days later we get a bill, my husband again calls the manager, who states not to worry about the bill. Within 90 days we get a letter to appear in court. We had a judgement to pay over \$1,000.00, which included attorney fees. The bill was only \$300.00. My husband tried to explain what happened in court, but we were not given a chance to explain, because we had no attorney. The ambulance's attorney did all the talking. Is this equal treatment? Is this justice? I guess you can say it is, only if you are pure White and don't mingle with the enemy (*Survey completed by Task Force member on participant's behalf*).

