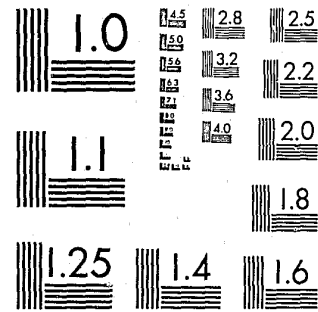


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REPORT
OF THE
TASK FORCE ON
INCARCERATED MINORITIES

U.S. Department of Justice
National Institute of Justice

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February, 1981

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TASK FORCE ON INCARCERATED MINORITIES

February 26, 1981

Mario G. Obledo
Secretary
Health and Welfare Agency
915 Capitol Mall, Room 200
Sacramento, CA 95814

Dear Mr. Obledo:

In attempting to better understand the sharp increase in the commitment of minorities to Corrections and the Youth Authority during the past ten years, the Task Force on Incarcerated Minorities has held several hearings throughout the state.

The testimony resulted in the identification of many factors which contribute to the problem and a number of recommendations which would lead to a solution. On the behalf of the Task Force, they are transmitted to you herewith in our final report.

While this marks the completion of your charge to the Task Force, we trust that it will constitute the beginning of a concerted effort to correct a trend that threatens the well-being of a major segment of the population.

We urge that you and other representatives of state and local government give this situation the immediate attention that it deserves.

Sincerely,

ANGEL M. ALDERETE
Task Force on Incarcerated
Minorities

A FOOTNOTE

By: Mario G. Obledo

I acknowledge receipt of the Report of the Task Force on Incarcerated Minorities and thank the members, the hearing participants and the staff for their public-spirited contribution to this important project.

Attempting to explain any complex social phenomenon is at best, a major challenge. Limited past and present arrest, incarceration and other pertinent comparative data by ethnic group status has further hampered the Task Force in its attempt to isolate the specific factors leading to the increasingly disproportionate commitment of minorities to state correctional facilities during the past ten years. There is no doubt, however, that such a trend is an alarming fact of life.

Most would agree that the byproducts of discrimination and economic deprivation to which the report refers play an important role in this phenomenon. To this degree, the document is vivid in its summary of the feelings, perceptions and despair of a large segment of the low-income and minority population of the state regarding the poverty, inferior housing and education, cultural rejection and deteriorating neighborhoods they too-often experience. More than anything else, these are the conditions which precede their disproportionate contact with the criminal justice system.

The report is a good first step in articulating the problem and proposing further action. In addition to more police protection and isolation of the dangerous offender from society, we must find ways to reduce the misuse of drugs and alcohol and keep weapons of violence out of the hands of those who would use them for unlawful purposes. Relationships between the different racial and ethnic groups must be improved and we must reduce the chronic unemployment, poverty, and hopelessness that infects the lives of so many in the state.

We must, in short, find better ways to prevent the carnage that puts both minorities and nonminorities in fear of their personal safety, their homes and their property. Quick, sure and just action against those who violate the rights of others cannot and should not be abandoned, but the historical and present limits of relying exclusively upon the after-the-fact intervention of the police, the courts and the correctional system in controlling crime must be recognized.

As difficult as it may be for some to accept, such institutions cannot, acting alone, provide the proper measure of security that we need and have a right to expect. Grappling with the factors believed to produce lawless behavior may stretch our current knowledge, require added will and economic resources, but in the final analysis, a forceful response to the root causes of crime and violence is the only viable choice that we have.

* * * * *

NOTE OF APPRECIATION

The Task Force expresses its sincere appreciation to Jack Robberson, Community Services Consultant, for his serious commitment and dedicated staff work.

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Bill Rogers
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REPORT OF THE TASK FORCE ON INCARCERATED MINORITIES:

"SOMEBODY'S NOT LISTENING"

By: Lincoln C. Fortson, M.P.A., J.D.

F O R E W O R D

At the beginning of this study, members of the Task Force and media representatives were called together. They heard the charge to the Task Force by Mario Obledo, Secretary of the Health and Welfare Agency, State of California. He engaged the Task Force to determine why minority incarcerations sharply increased in the past ten years, leading to what might appear to be embarrassing evidence of racism within California institutions, penal, social or otherwise.

From time-to-time the Secretary reassured the public and the Task Force that he was seriously concerned. "Pursue all issues and any significant questions, but find out "why?" Task Force work processes reflected the concerns inherent in the charge. This report is the result.

One of man's more difficult tasks is to study questions about which he already has answers. While revealing both old and new messages, the study was difficult. The experience was disturbing in that the investigation surfaced neutralizing dichotomies of attitudes and thought among those impacted by government generally and by criminal justice systems specifically. There were attitudes of rage and peace, hopelessness and optimism, disgust and encouragement, mistrust and offers of help, total rejection and ideas for solutions. "Somebody's not listening" was a recurring theme. Other reports on racism in America were bitterly cited, the President's Crime Commission of 1967, the Kerner Riot Commission of 1969, the National Advisory Commission on Criminal Justice Standards and Goals of 1973, etc., etc. That bitterness exists because of the inaction that follows each study.

The testimony heard in this study seemed to be saying that government, as a system, is not the problem. Rather, those who control government do not have the interest, understanding or the will to make it work for those who need its attention the most. California's minorities know this, and they are angry--angry in a far more intelligent and directed way than those who have impulsively rioted in the past. An ominous message is that this may be the last time they will explain what certainly is already known. They offered pleas, but in many ways they were warning the unheeding because they know "somebody's not listening."

While this report is the result of the Secretary's charge, it is also an opportunity for those in control to regain some of the confidence lost. Minority people in pain think they know

the proper prescriptions, however, they understand that government must be a willing partner in the administration of remedies. This report, like those who suffer, poses a perplexing query: Does government have the will to act?

Conventional wisdom would suggest that racial attitudes account for a significant amount of social ills, including racially imbalanced incarceration rates. In times of diminishing resources the problem becomes more acute. We have been preoccupied with the question for decades. Yet, little progress has been achieved. Questions of race have been hypothesized about, agonized over, legislated around and studied. A people who can pierce space and conquer continents seems unable or unwilling to seriously address a relatively simple issue.

This report makes that effort. A careful perusal may suggest an approach, largely ignored. Perhaps the problem is not race in the classical sense. Perhaps what we have is an unaddressed class problem. It may be that the attitudes of upwardly mobile people of all races are intolerant of those without adequate resources or access to opportunity. Perhaps it is too easy to dismiss have-nots as indolent, lazy and without ambition. If that is true, it explains the disingenuous solutions of the past; the mistrust by minorities of other minorities in positions of authority; and the frustrating guilt of successful minorities who find little time to organize and do business in neighborhoods from which they sprang.

Achievement of the American dream is to rise above one's meager beginnings by one's own initiative. To lose the dream is to be dependent, frustrated, resentful, resented, rejected and dangerous. This report is about those to whom the dream has been denied. Most happen to be non-majority.

For Blacks, poverty represents the vestiges of America's economic experiment with slavery and its ill-administered era of reconstruction. For Chicanos, Native Americans, and other ethnic groups, poverty results from a lack of appreciation for and a marked suspicion of cultural and linguistic differences. The issue is as simple as a lifetime struggle with mental or physical illness or abject poverty. Such factors break the promise of America. They preclude minority people from quality education and the world of work. They generate a population of poor people. A population into which even majority people fall. Once there, poor Whites are treated as any other non-majority. That does not appear to be racism in the classical sense. Discrimination? Yes. Racism? Perhaps not entirely.

Following the Emancipation Proclamation, poor Whites and ex-slaves recognized common economic and survival problems. They formed coalitions for mutual advantage and respect. But, Northern politicians found it financially advantageous to drive a wedge

between Blacks and Whites--using frightening myths, lies, and intimidation. The Klu Klux Klan took to the back roads. Anti-miscegenation and skin color became an American obsession. The Jim Crow Doctrine was born. Blacks were expelled from state legislatures and returned to plantations. King Cotton required free labor. The Emancipator was dead and promised reparations were denied. It was as if hundreds of years of slavery never existed. That was little more than 100 years ago. Some think that not very much has changed, certainly not in terms of attitudes on both sides of the issue. One notes, with despair, that the K.K.K., with renewed purpose, now traverses the front roads, and is invading the political process with some success. Somebody's not listening!

America has always had a problem dealing with racial issues. The myths are too ingrained in the social fabric and too inculcated into the collective conscience. It is the nature of politicians to respond accordingly.

This report reveals great concern about "institutional racism." However, when the testimony offered solutions, those solutions were more economic than attitudinal. Perhaps we should avoid approaching problems of the poor with questions about our obdurate attitudes concerning "the race problem." Perhaps economic problems of people should be honestly and forcefully addressed with principles of economics. Unlike questions of race, America has never had a problem with economic approaches. But in the last analysis it comes down to this. Does this country have the will and the resolve to do something about the problems of people? And can there be equitable nation-building, unless it does?

Miami, 1980, gives warning.

The Task Force listened and that was a constructive aspect of the process. This report is evidence that government has heard from the people. But the people worry. What does it take to make government listen? That question results in some speaking suicidal rhetoric of revolt. Others hint at genocidal war. Because "somebody's not listening", they consider marching to orders they cannot hear and threaten a battle they cannot win. But, march they may! For, desperation invites irrational responses.

Must it happen? Is anybody listening?

Background and Problem Statement Summary

In 1973, the median incarceration rate for Whites in California was 66 per 100,000 population, while the rate for Blacks was 368 per 100,000 population. Six years later, in 1979, the median incarceration rate for Whites was 42.6 per 100,000, 405.6 for Blacks, 130.9 for Hispanics, and 230.7 for Native Americans. As a result of the increasing disparity in incarceration rates, over 60% of California's youth and adult correction's population is now comprised of ethnic minorities--even though they comprise only 30% of the state's general population--and a continuing trend indicates that an even greater proportion of the Corrections-Youth Authority population will be minority during the latter part of the 1980's.

Between the years of 1970-1980, an increasing pattern of racial violence has developed in California adult prisons. During this period, inmates have killed 195 other inmates and 13 correctional personnel.

Further, in recent years, the total population in both the Youth Authority and Department of Corrections has exceeded budgeted bed capacity and projections indicate that the rate of commitment to both departments will continue to create overcrowding problems of crisis proportions during the 1980's. In terms of fiscal cost, California criminal justice agencies spent more than three billion dollars during fiscal year 1978-79. This represents approximately an 85.2% increase over fiscal year 1972-73, when total expenditures were 1.6 billion dollars. Currently, new construction costs approximate \$70,000 per bed, with the annual operating cost of an institution averaging \$10,000 per bed.

Alarmed at the significance of these trends, Mario Obledo, Secretary of the Health and Welfare Agency, established a Task Force composed of persons in the field of corrections, judges, academicians and civil leaders to investigate and gather information into the nature, scope, and impact of the problem.

In delivering his charge to the Task Force, Secretary Obledo urged it to pursue all issues and any questions that may be significant, particularly with regard to those which may account for the alarming increase in the commitment rate for minorities. During the course of its study, he requested that the Task Force review the potential role that racism and the economic conditions of minorities may be factors in the problem. He also asked the Task Force to determine whether there are legal or policy remedies which may alter the trend in minority commitments.

Scope and Method of Review

Early in its deliberations, the Task Force agreed that its work should include--in addition to the minority experience with the criminal justice system--a review of the pre-arrest or societal factors which appear to account for the disproportionate detection, arrest, conviction, and confinement of minorities. It also determined that the attention of the Task Force should be directed to the impact of the state youth and adult correctional system upon the increasing number of minorities committed to state facilities.

In discharging its responsibility, public hearings were scheduled throughout the state to elicit information from the general public on these questions. The testimony presented during the hearings was reviewed and is highlighted in this report.

As such, the report does not reflect an indepth research effort and this should be clearly understood. To attempt such a major undertaking would have been unrealistic, of long duration and less cost-effective than desirable. Further, the report is not designed as an explicit blueprint on how to reverse the trend we see. It does attempt to communicate quite dramatically the feelings and perceptions of persons who presented testimony at public hearings throughout the state which are believed to explain--at least in great part--the phenomenon which promoted this review.

Nothing new was heard and no simple solutions were offered. Much remains to be learned and continued study will be necessary. Of primary importance, a serious commitment by all segments of society to a hasty solution to the problem is essential. A summary of the concerns expressed by the hearing participants and a section on the special problems of Native Americans are included in the Appendix.

FACTORS BEYOND THE JUSTICE SYSTEM

"Being Different"

The testimony heard by the Health and Welfare Agency Task Force on Incarcerated Minorities describes the problem of being racially, culturally and economically distinct within a society whose majority is White. The good life, the capacity to buy a comfortable home in a good neighborhood, a new car, and most of what people desire, is presented daily by all aspects of the media. Most minority Californians, however, understand this everpresent definition of the good life as lying beyond their reach, frustrating, even taunting them. They do not see the form and texture of the life they know reflected in the mirror the media holds to society. Nor do they hear their voice expressed in it. Missing

from the reflected image are the cultures which give their lives meaning. Absent also is the pervasive discrimination which demeans the significance of their cultures and threatens their survival.

The Task Force on Incarcerated Minorities was told that discrimination pervades California society and California's social institutions. It is found in employment, in education, in government, and in the very ordering and structure of California society. As a Black man in San Francisco said, "Racism has to do with a whole social feeling."

To minority people, California decision-makers reflect a basic conservatism which impedes change in the pervasiveness of racism. That conservatism means an allegiance to and protection of the values and the valued of middle class culture. In one hearing location, a City Council was described as having enacted an ordinance which banned low-riders, i.e., young Chicano car stylists. Driving their cars to and from youth gathering places, low rider's cars become social "vehicles" expressing pride and individualism and serve as a means of social exchange. This particular expression of Chicano culture for that city became expressly devalued, i.e., illegal.

Throughout California, the Task Force heard that minority cultures are systematically devalued. Native American witnesses cited Federal Public Law 280 as applied in this state. The law transferred a range of civil and criminal jurisdictions over Indian reservations to the State of California, imposing a "foreign" criminal justice system upon a culture which had been under a tribal and/or federal system. Native Americans point out that this is another aspect of a process called termination, i.e., the end of their unique identity and special rights. In San Jose, an older Chicano ex-felon described his initial experience in elementary school. He was slapped across his hands for speaking Spanish. When he persisted in speaking as he did in his home, he was summarily paddled. In San Francisco, two Black psychologists described research which indicated that Whites are unable to accurately identify Blacks. This inability, they suggest, is a product of White values defining physical attractiveness.

While perhaps unable to make discrete discriminations of this type, more gross distinctions are made which affect the social exchange of Californians. Witnesses told the Task Force that physical characteristics such as skin color and cultural traits and their style of dress and speech call attention to ethnic groups. The absence of funds affects their dress and their means of transportation and calls attention to their status as improverished. Devaluing perceptions of difference from the majority increase minority visibility within California society.

A University of California Professor of Chicano Studies offered the Task Force a concept describing the social result of visibility and cultural devaluation--marginalization. Marginalization is the effect of barriers raised within social institutions which prevent access by subgroups to opportunity and full participation in the rewards of society. Overwhelmingly, California's minority citizens find themselves on the margin, in the eddies of the social mainstream.

Poverty is a major aspect of marginalization. Social and economic status are synonymous. Being poor in California's society is being without an essential social symbol of personal worth--money. At this juncture, the connection between marginalization and the disproportionate incarceration of minorities in state and correctional institutions becomes evident. Ghettos, barrios, and reservations are where poor Blacks, Chicanos and Native Americans live. Poor communities have high rates of crime. In fact, some witnesses told the Task Force that poverty and economic class are greater factors in minority incarceration than racism.

Certainly, simple economic survival for many becomes an initiating factor in the commission of crime. A Black man in Pomona explained, "People commit crime to get some money," and "prisons" the Task Force heard in Los Angeles, "are storehouses for the unemployed poor." They represent, in the view of a San Diego witness, "welfare for the Black man."

The world of work, thus, is a key factor in marginalization. A Black criminologist told the Task Force in Compton that changes in labor needs more strongly affect Black employment and that minority unemployment, rates of crime, and rates of incarceration are closely related. A Chicano woman stated it simply, "No job, no pride." Minority workers see themselves as the last to get hired and the first to be fired. If the minority worker is also young, finding and keeping meaningful employment is even less likely. Government programs designed to combat unemployment are themselves seen as creating disincentives to participate by youthful aspirants. In Pomona, it was pointed out that money earned in such programs is deducted from welfare grants. Within the context of the welfare family, even minimal earning power is neutralized.

Minority families feel the effects of marginalization. Welfare, the Task Force was told, forces families apart through eligibility requirements. The criminal justice system also contributes to the separation of families. If the welfare system exerts implicit pressure separating families, that of the justice system is explicit: the parent goes to jail.

As a witness in East Los Angeles put it, "Children become the innocent victims of crime." Once families are disrupted, the effects are transmitted from generation to generation. Parents struggling to maintain their families' basic subsistence may have little left to devote to parenting. Children lacking the attention

and control of parents have problems. For poor children, these problems often mean incarceration. As minorities find barriers to full participation in the world of work, education is seen as an important means of developing the skills to successfully compete in the job market. Quality education, then, is a learning experience which enables effective competition for jobs. Yet in almost all hearing locations, the Task Force heard that the public schools are not providing minority children with quality education. Low quality education produces high dropout rates. But, in minority communities, even if the student remains in school, he or she may be shunted to continuation schools or programs for the educationally or mentally retarded. If not shunted aside, the student may receive "social promotions", often graduating without the ability to read.

To Black, Chicano and Native American parents, the school system fails to educate their children. This is so consistently true that a parent in Pomona expressed the belief that the public schools are used to keep minorities in their place as a pool of cheap, unskilled labor. Intentional or not, public schools are seen as contributing to the permanence of minority poverty.

Beyond this, the schools are described as devaluing the cultures that minority children bring to their schools. A Chicano psychologist cited the education system as the prime arena in which minority children experience majority society. But rather than an affirming and respectful introduction, what occurs is an invalidation of minority culture and, therefore, of the children themselves. As the Task Force heard in Venice, "The schools try to teach minority children to invalidate their culture."

Minority communities are marked by the final product of marginalization--alienation. Whatever their cause, the devaluation of minority cultures, the lack of access to the rewards of society, inadequate education, unemployment and poverty all weaken the ties that minorities have to social conformity. These problems are not new. Neither are they unknown. But, if the testimony heard by the Task Force is representative, then there is increasing pessimism in California minority communities regarding the readiness of government to respond to their needs.

At almost every hearing, witnesses skeptically asked the Task Force, "Why are you here? You already know why minority people are locked up. What we need is action, not studies." While the frustration was directed at the Task Force, more significantly, it demonstrated the cynicism with which government's commitment to change in even the basic dimensions of discrimination is viewed. In San Diego, a White academic described the origin of that cynicism when he testified regarding the system, "We have all we need (for change) except the will." Minority people do not see themselves as having the political power to represent their own interests within the government. Change by traditional means is not perceived by them to be close at hand. To the

contrary, the civil rights accomplishments of the past are now eroding. Frustration and helplessness lie on the surface of California's minority communities. Beneath the surface there lies growing anger.

The anger surfaced clearly once. In Southern California, a young Black man described California's minority communities as a pot boiling. He suggested that unless minority opportunity becomes equal to that of Whites, the pot may boil over in revolution. To him, the question was not if change will occur, but how. He told the Task Force that the preferable means was within the system. However, if the system does not respond, then, "We must seek change by any means necessary." Revolutionary rhetoric aside, the experience of minority communities leads them to believe that for change to occur, they must initiate it.

Self-initiated, within-the-system change can be called crime and delinquency prevention. Achievement of full employment, quality education, satisfying family life, cultural tolerance and respect would certainly support social conformity. In Oakland, Compton, and East Los Angeles, witnesses described community based prevention programs which they believed worked. To a program, these efforts were in funding difficulty. A problem, the Task Force was told, is that the criminal justice system controls funds for prevention.

Community based agencies compete with criminal justice and other public agencies for funds that are available. Similarly, demographic information necessary in preparing proposals and possessed by criminal justice agencies, the Task Force was told, is often withheld from community groups preparing them. More disturbing, the Task Force heard claims that successful community programs are sometimes "killed" by criminal justice agencies to protect criminal justice agency interests. The solution, witnesses suggest, is to allow community access to prevention funds without criminal justice system interference. A Department of Crime and Delinquency Prevention established in the Health and Welfare Agency was suggested as a means of separating prevention from the criminal justice system.

Proposition 13 was described as reducing the number and quality of services available in minority communities. Most influenced, the Task Force heard, were the very prevention programs which counter the effects of marginalization, e.g., mental health, employment, etc. Least influenced were those police programs which seek to control crime. In the judgment of some witnesses, Proposition 13's effect, if not its intention, was racist. Low income minority communities lost needed non-justice system programs.

Solution to the funding of needed prevention programs varied. Witnesses suggested cutting the federal defense budget and using

the money to support needed local programs. Citing the ineffectiveness of probation and corrections in general, other witnesses advocated shifting the required funds from state and county correctional budgets. One particularly creative suggestion was to fund alcoholism treatment and prevention from a tax on alcoholic beverages.

Throughout the state, the Task Force heard that minority communities need programs which deal with the causes and symptoms of poverty and discrimination. In reality, increased employment, greater tolerance of cultural differences, equal opportunity and relevant education are buzz words which stand for the need for major change in the attitudes and structure of California society. The need exists not simply for the minorities of California, but for all Californians. As a witness in East Los Angeles testified, "Minorities are blamed for the problems of the larger society, they are the scapegoats."

PERCEPTIONS OF THE POLICE

"Protection and Enforcement"

If the testimony heard by the Task Force is indicative, the police represent a society perceived as racist. As a Black woman in Oakland told the Task Force, "The police are there more to enforce the law than to protect society." The distinction between protection and enforcement is significant. Protection is done for a group. Enforcement is done to a group. Minority communities do not see the police as serving them. The laws enforced and the enforcement itself, many minority people believe, protect someone else: White middle class society.

Affirmative action programs were cited by some witnesses as partial answers. Others, however, pointed out that affirmative action often focuses only on entry level positions. The much more influential supervisory and policy-making positions are less likely to be touched. It is the largely White first line supervisors, the sergeants, who set the tone and example for new officers, a Black ex-police officer told the Task Force. Minority officers frequently must prove themselves to White colleagues and supervisors. A "super cop" mentality can set in. Often "Black officers are cannon fodder." A Chicano in Pomona suggested, "increasing the number of minority police officers won't solve the problem--they are just as bad."

The Task Force heard complaints against police ranging from cultural insensitivity to outright brutality. East Los Angeles has suffered from conflict between warring youth gangs. In dealing with the problem, testimony in this Chicano community described examples of both police insensitivity and brutality.

As an example of the former, witnesses indicated that police often do not discriminate between low riders (young Chicano car stylists) and gangs, acting as if car clubs and gangs are the same. As a witness put it, "Anglos assume that any group of Chicano kids is a gang." As an example of the latter, police were alleged to have picked up members of gangs inhabiting one turf and depositing them within the turf of a second. This, the Task Force was told, is done with full knowledge that gangs violently protect their turf from the intrusion of other gangs.

According to testimony heard in a Black area of Los Angeles, law enforcement attitudes towards minorities are bad and make the problem worse. The use of "running nigger targets" and "running wetback targets" were cited. Witnesses claimed that ghettos, barrios and Indian reservations are used as the police "Siberia." That is, low seniority officers undergoing punishment are frequently assigned to minority communities. This, the Task Force heard, is indicative of the low esteem police place on work in such areas. Native American witnesses in Eureka pointed out that this creates a situation where law enforcement officers have no knowledge of the special jurisdictional issues involved and no sensitivity in working with the tribal council of the Indian community.

The feeling was expressed by minority witnesses that "the police wait for us to make a mistake" or more proactively, "the police provoke the responses that they want so that they can do what they want." Witnesses charged that police sometimes incite violence in order to make arrests.

The Task Force heard that enforcement practices are applied selectively. Offered as an example was the frequent stopping of minority citizens for questioning. Differences in personal dress and characteristics of automobiles call law enforcement attention to minority people both within and outside minority communities. In a Northern California community police frequently stopped and harassed persons for no apparent reason other than the darkness of their skin. Blacks and Chicanos are frequently stopped in White communities. But Whites are seldom stopped by police in minority communities. Witnesses indicated that this was particularly true for youngsters. A Black man in Compton said, "The police, rather than dealing with serious crime, pick on kids." The harassment at times culminates in violence, a Northern California witness told the Task Force, "... and minority kids get shot by police, not White kids."

The deployment policies of the police were described as affecting the disproportionate representation of minorities in correctional institutions. Witnesses testified that minority communities within cities are "target areas" for police. They are more closely watched than White communities. Simply put, more officers on patrol mean more arrests.

Once arrested, witnesses complained, minority people have excessive charges filed against them, both in terms of numbers and seriousness. They conjectured that this occurs in an effort to find a charge that will stick. If held in jail, the Task Force heard, there is physical and emotional abuse of minority prisoners. The testimony touched on the poor condition of the jail facilities themselves, including inadequate medical care and low quality food. Native American witnesses in northern California cited instances where Indian persons have been harassed by jailers, threatened with physical abuse or actually beaten for non-justifiable reasons. They questioned the equity of the arresting agency also having responsibility for custody.

Witnesses at several hearings described police competition with community service organizations. This was particularly felt in those minority communities where belief is strong that community-operated programs are a better answer to their crime problem. The Task Force was told that law enforcement influence over LEAA funding decisions at times was used to end unfavored community programs. In Compton, the Long Table Program, a community program seen as successful in reducing violence among youth gangs, was "wiped out" by police, witnesses charged.

The result is at best animosity and disrespect. An El Centro parent told the Task Force, "Kids see this and are disillusioned. You get respect for law and order by giving respect, but law enforcement doesn't give respect. Kids have no respect for the law because they fear it."

Relationships between police and minority communities are not good. In Oakland, a Black woman may have identified the problem when she said, "Police are scared; that's why they use force. Minority communities are scared; that's why they reply with force."

Easing this climate of fear and animosity is paramount. The same Black woman indicated the direction of the solution by saying "Police and the community need to communicate." The closeness of such social exchange at present is largely missing in California. A Black law enforcement officer in Northern California described the problem of "distancing." There is distance--physical, emotional, political, and cultural--between police officers and the people they serve, whether in the communities patrolled or in the jails operated. Police patrol in cars, removed from the sidewalks and homes where people are. They do not live, for the most part, in the communities they serve. Being predominantly White, they do not share the cultural experience of minority communities. Nor are police agencies accountable to minority communities. They report to such governmental entities as city councils, mayors or boards of supervisors, who are themselves often far removed politically from the minority communities for which they make decisions. A

Los Angeles Black man said, "If you are outspoken against the police, they find a way to take you in." The result is fear and further isolation of minority communities from the police.

"If there is to be change," the Task Force heard in Los Angeles "we (the minority community) must become involved in the police department." The means of involvement suggested to the Task Force varied. Affirmative action was cited as necessary but not strongly effective until minority personnel achieve those administrative positions where policy is determined. Screening out police staff with emotional problems and/or racist attitudes through periodic psychological testing was also suggested. Continuing dialogue and exchange between police and minority communities should also be developed.

The community relations/crime prevention program of the Imperial County Sheriff's Department was cited by Black and Chicano testimony in El Centro as offering promise in the establishment of such dialogue and exchange. Witnesses spoke highly of the sheriff because of his positive attitude and his availability to the minority community.

Training of police in cultural sensitivity by the various minority communities themselves was suggested. In Oakland, a successful program was recounted in which for six months police officers spend a day with a family on the beat where the officer will be assigned. Neighbors are invited to get to know the officers. It was indicated in the testimony of many witnesses that officers should live within the area that they patrol. Short of this, assignment to a given beat should be for a long period. A process of review of police activity with authority to hold the police agency accountable for its work was suggested by several witnesses. This might be done by means of groups of non-police residents of the community or by the courts.

PERCEPTIONS OF THE COURT SYSTEM

"THE RICH GET HELP, THE POOR GET JAIL"

During the hearing in San Diego a social work educator told the Task Force that before the law, "There are two classes of people: those who can afford to stay out of jail and those who cannot." In San Jose, a public defender tersely put it, "The rich get help, the poor get jail." And like the population of California's correctional institutions, those who are poor are disproportionately minority people.

Unlike upper and middle class persons, when in trouble with the law the poor cannot privately make restitution, obtain psychiatric or other psychological treatment or secure medical treatment, special education, or legal representation. While private community resources are and have been available to defendants from the more affluent social strata of California, for low income

people, private, outside-the-system resources are beyond their reach and thus denied. With such alternatives unobtainable, the prospect of jail is greater.

Jail is probable, the Task Force heard, because California's bail system discriminates against the minority poor. Freedom, pending trial, most often is a result of having the resources to post bail. Lacking the resources, a San Jose Chicano indicated, "mostly minorities without bail end up in jail."

This by itself is a major inequity. As the Task Force heard in Venice, "Bail gives people a better shot. Poor people can't make bail and they get tougher treatment." That tougher treatment includes a much greater likelihood of conviction and of a sentence to prison. Figures quoted in testimony of a Northern California public defender indicated pre-sentence custody is so strong an adverse factor that pretrial status, (free or in custody) is the single most important determiner of the outcome of the legal process.

The inability to make bail affects the legal defense of the accused. Lack of bail interferes with a basic dimension of legal counsel, the attorney-client relationship. Jail provides an adverse physical environment for attorney-client interviews. The attorney must travel to the client and conduct the interview under time restriction placed by the jail. The attorney and client cannot communicate freely by telephone. The client cannot assist in the location of witnesses. Attorneys, particularly public defenders with heavy caseloads, cannot make frequent trips to the jail. Time spent with the client is reduced. Rapport is lost or never established. Important evidence is not discovered. Valid defenses are not identified. The defense of the accused poor is made more difficult than their prosecution.

Inability to make bail keeps poor defendants in jail pending their hearing. Poor jail conditions increase pressure to negotiate a plea of guilty or plea bargain to simply escape the misery of jail. A Chicano witness in Pomona described the situation when he said, "Jails make people want to plead guilty to anything." Some witnesses told the Task Force that the prosecutor and the public defender at times cooperate in pressuring the defendant to plea bargain. Large numbers of defendants may plead guilty to offenses which they did not commit.

The justification for plea bargaining is basically administrative. Plea bargaining reduces the number of cases which reach trial. It clears crowded court calendars. But does plea bargaining relate to justice? The testimony heard by the Task Force indicates that it does not. As a northern California witness asked the Task Force, "Where is justice when a defendant detained for several months can go free the day he pleads guilty while the person who maintains his innocence will be detained until he is docketed for trial?"

Not only did testimony reveal criticism of the use of bail and plea bargaining, but of the provision of defense counsel for those unable to provide their own. Public defenders were described as devoting too little time to their client's defense. The quality of the legal representation was also questioned. Witnesses commented that a defendant may not always have the same lawyer throughout the case. Some witnesses went so far as to question the competence of public defenders. With all this, there is lack of Black, Chicano, Native American and other minority public defenders. Other witnesses observed, however, that the public defender's work is at a decided disadvantage to the prosecution. Their clients are often in custody and public defenders do not have the investigative resource of law enforcement agencies available to them.

Already under-budgeted, Proposition 13 affects county public defenders most severely, the Task Force was told. Not atypically, Los Angeles County cut their public defender's budget by half a million dollars. While public defender budget, staff and services are curtailed under Proposition 13, district attorneys in California counties were the recipients of Federal Law Enforcement Assistance Administration funds under the Career Criminal Prosecution Program. This program is designed to increase conviction and prison sentencing in certain offense categories. Reportedly, the result in Santa Clara County has been to reduce prosecution caseloads under the program to 50 to 60 per year, while public defender felony lawyers carry caseloads of 150 per year. It is not surprising that at hearings throughout the state, public defenders were described as overworked and understaffed.

The Task Force heard testimony indicating that court appointed defense counsel has a similar paucity of resource available to it. San Diego county was described as assigning cases to attorneys submitting the lowest bids. Other counties have flat fees per case, some as low as \$75 per case. Can such levels of compensation support quality legal representation of the minority poor? Testimony indicates that it cannot. For minority defendants, the Task Force heard a Black man say, "Representation in court is a joke." Both the prosecution and the public defender are viewed as elements of a legal system which discriminates against the poor and the non-White.

The courts themselves are viewed with little confidence. Testimony characterized the courts as insensitive to the cultures of Blacks, Chicanos, Native Americans and others making up California's minorities. This was emphasized particularly in the psychological evaluation of defendants. Most are done by White professionals who have little direct experience with and sensitivity to minority cultures. Further, inadequate or incomplete psychological evaluations were described as a frequent

result of low fees. The lack of competent interpreters for the non-English speaking often allows the court process to unfold with little understanding by the defendant of precisely what is happening to him.

Many judges are viewed as racist. "Even when minority attorneys are appointed to the bench," the Task Force was told, "too often they are establishment oriented rather than ensuring that justice is equitable to White and minority alike."

Poor people in general tend not to be selected for jury panels. Minorities, disproportionately represented among the poor, are less able to forfeit wages to serve on juries.

The exercise of peremptory challenges by the prosecutor also results in the exclusion of potential minority jurors. Predominately White juries sitting in judgment of Black defendants view the individuals and their social situation with values which differ from those of Blacks, Black psychologists told the Task Force. For example, definitions of physical attractiveness vary between the two cultures. The attractive are less likely to be seen as guilty. If Black is not beautiful to Whites, in the context of a trial, the Black may go to jail.

For these reasons, witnesses claimed, the minority right to trial by a jury of their peers is constrained. To some, the situation has its roots in slavery. Given the verdict of guilty, minority people believe that they receive harsher sentences than convicted Whites. Sentences received by so-called white collar criminals were cited frequently as an example of the disparity in sentencing practice between White and minority offenders.

Minority Californians see drastic inequities due to racial and economic discrimination at every decision-point in the legal process. They are aware that private alternatives and bail are beyond their financial grasp. They experience the result, often imprisonment, of plea bargaining and California's tepid advocacy of their right to a competent defense. They suffer insensitivity to their culture by the courts and to the ramifications of their economic plight. It is not surprising that minority Californians have little confidence in the justice they receive in the California courts.

Nevertheless, the Task Force sensed a flickering hope during the testimony that California's court system could be improved and that legal justice for minority people could be secured. The public hearings produced suggestions for change in the court system which embody this hope.

Providing information to minority communities regarding the law is seen as an important concern. Paralegal aides familiar

with the community, education programs emphasizing legal rights and legal aid centers were suggested. Reform of California's system of money bail is seen as critical. Suggestions in this area reflected two views: Calls for outright abolition of bail were heard and more moderate suggestions for increase in the accessibility of bail for the poor were made.

Recommendations for improvement in the provision of defense counsel for the indigent centered upon upgrading the public defender function to a place on par with the prosecution. Generally, increases in the public defenders budgets were recommended to allow such measures as increased staff, higher salaries, reduction of caseloads, specialized units for high density minority communities and social work staff to develop sentencing alternatives. Guidelines are needed to bring consistency statewide in the level of defense provided by the counties to the poor.

The courts were also the focus of several suggestions. Courts should develop explicit criteria for judicial decisions to achieve uniform sentencing. Courts should devote greater attention to the provision of competent interpreters. Courts should be held at night to minimize interference with employment. Court-ordered psychological and psychiatric evaluation of minorities should be done by those sensitive to and experienced in their culture. For instance, in the case of Native Americans, a medicine man should be included. Judges should use alternatives to incarceration, including release on ones own recognizance, home detention, restitution, work furlough and community service.

PERCEPTIONS OF INCARCERATION

Testimony heard by the Task Force indicated that California prisons and jails are seen as a mechanism for maintaining the status quo, or as a means of locking minorities into the poverty of the "other America." In ghettos where the Task Force conducted hearings, this perception is pervasive. The criminal justice system, in addition, is described as playing a part in the growing-up of minority children. Some minority youngsters expect, even look forward, to going to the Youth Authority. Witnesses explained that in poor communities, opportunity to secure a more positive avenue to the achievement of status is not readily available. However, going to the Youth Authority and the behavior which precedes it are ready options.

A Black man in San Bernardino told the Task Force, "Once in the (correctional) system, you can't get out. You become so badly debilitated, you no longer can assume a normal role in society." A Black inmate in San Quentin put it briefly, "Capitalistic society has no use for us." A White attorney

with Legal Aid attested, "Prisons are storage houses for the unemployed poor." A Native American man testified in Eureka, "The difference between 1900 and now is that in 1900 they used to murder us, now they incarcerate us." The bitterness, frustration and despair of these comments are the products of a process culminating in incarceration which preserves the interest of a White society seen as intrinsically discriminatory. As a Black inmate informed the Task Force about San Quentin, "Minorities are the majority here."

Discrimination is found in the social institutions of California. The correctional system is not an exception, despite the reversal of the relative proportions found outside the walls. A representative of the National Association for the Advancement of Colored People told the Task Force in Sacramento, "Violence in prison is racially motivated. The racial disparity in the prison population creates an age-old power struggle." To some, the often bloody struggle is over who is to remain at the very bottom of society. Others go further, noting that while racial groups battle among themselves in prison, they are less likely to collectively attack the system in the community which holds them all.

Comments on the social function of corrections notwithstanding, much testimony pointed to the system's overall lack of attention to the needs of the incarcerated as a whole and lack of sensitivity in particular to the specific needs of incarcerated minorities. The prison system was described by many witnesses as dehumanizing the lives of inmates. A Black woman in Los Angeles pleaded, "Let the people in jail do something constructive." A Chicano inmate at San Quentin told the Task Force, "You can't control every aspect of my life (in prison) and expect me to grow into anything." In agreement, "Prison takes away all personal responsibility," a Black ex-offender said in Sacramento.

The availability of rehabilitation programs within institutions was described as inadequate. At a given point in time, less than 20% of adult inmates are involved in such programs. A Black woman at CIW indicated, "We don't know what's available. We are not told." A psychiatrist in Southern California told the Task Force that "psychiatric treatment is under siege in prison." An inmate at CIW pointed out that there was one psychiatrist for 900 inmates. The medical program at CIW was described as terrible by inmates with medical training. With insufficient program resources available in the first place, Blacks and Chicanos feel that they have little opportunity to constructively use their time.

Trade and vocational training programs were described as obsolete and not current with techniques used in industry. Others questioned the low status, low-paying jobs for which

such programs prepare inmates. As a Black inmate asked, "Why are we prepared only for menial jobs?" Once released, the training often does not help in obtaining employment. A Chicano in San Jose testified, "Prison trades don't help in getting jobs." This remains so, despite the general awareness of the negative effect a prison record has upon an inmate's ability to secure employment. There was also great concern expressed at the absence of provisions for the return of inmates to their communities. A White woman told the Task Force in San Jose, "There is a lack of preparation of inmates for release. They go out the gate with no contacts, no money and no job." Re-entry resources are meager, at best.

The racist attitudes of some staff, the paucity of programs, the growing proportion of Black and Chicano inmates and the lack of preparation for the inmate's return to the community point to a coming crisis in California correctional institutions. As a Chicano in Pacoima warned, "The riot in New Mexico bodes ill for California." A contrasting attitude was expressed by some correctional professionals. A Northern California Chief Probation officer felt, "There is more equity in the system than we believe. Bureau of Criminal Statistics data indicates that within the justice system, decisions are by-and-large equitable." He went on to point out, "It is a mistake to transfer the inequity within society to the criminal justice system."

Testimony indicates that not enough attention is given to the positive effects of visitation programs. Institutional concerns with contraband and security disrupt and often disregard the importance of family and friends to inmates both while incarcerated and upon release. The efforts of groups like Friends Outside were described as subject to resistance by state-level correctional agencies.

Despite the perception that the correctional system is increasingly meant for minority people, suggestions for improvement of the correctional system were many. There were two that the Task Force heard at almost every hearing site: The first was the need for meaningful jobs for released inmates; the second was the need for sensitivity to and respect for the cultures of minority inmates.

Pleas for vocational education and job training were voiced by inmates and free people, Blacks, Chicanos, Native Americans, Whites, by the educated, and by school dropouts. Specific suggestions were many. A San Quentin inmate suggested establishing a corporation which obtains contracts with private industry, uses ex-offender labor and profit-sharing. A Sacramento Chicano suggested a similar corporation which could assist former inmates in obtaining small business loans. Another suggested a concerted effort by Corrections to impress

private industry with the importance of hiring ex-offenders. The Inmate Welfare Fund could be used to augment funding for vocational programs in institutions. Correctional industries should be improved and contracts with private industry obtained. Training should occur in such programs and a minimum wage paid to inmates. The wages could be used to support families and provide a "nest egg" for release.

Correctional staff were described as insensitive to minority culture. Correctional staff is mostly White, while inmates are mostly minority. Masked behind policies of equity, racist attitudes were cited as too often present. This "culture gap" prevents successful work with probationers, inmates, and parolees. The correctional system was urged, particularly by Chicanos and Native Americans, to develop a greater sensitivity and respect for minority cultures. Mandatory programs of cultural awareness for staff should be established. Native Americans should be free to practice their religion, have access to sweat lodges and pow-wows. Correctional agencies should increase the use of ethnic groups and organizations to provide inmates ongoing contact and support as defined within their particular culture. Affirmative action programs should be increased with greater attention to moving minority employees into positions of responsibility and authority.

Many other suggestions for improvement were made. Corrections should increase "gate money" (funds provided newly-released inmates) from \$200 to \$500. Corrections should establish work furlough programs and correctional staff should return periodically to "the streets" to remain in touch with social conditions. Correctional staff should also become advocates for the correctional clientele.

Finally, many witnesses pointed out the need for independent oversight and review of the correctional system. The courts were cited as minimally involved, but this should be increased and become more routine. While such a system of accountability is being established, there should be a moratorium on institutional construction. The emphasis should be upon careful review of those who do not require incarceration rather than on increasing the numbers to be incarcerated.

TASK FORCE CONCLUSIONS

- 1) The public defender program should be upgraded and expanded so that they are on a par with the offices of the district attorney.
- 2) State law presently authorizes the release of persons arrested for misdemeanors upon the posting of a sum of money equal to 10% of the amount of bail. This provision should be extended

to specified felony arrests when a finding is made that the arrestee poses no threat to self or others. Further, bail should never be used for "preventive detention" and judges and attorneys should receive ongoing education in this area.

- 3) Both the state and counties should cooperate with the Indian community and tribes for implementation of the Indian Child Welfare Act of 1978. The Indian Religious Freedom Act of 1978 should be better implemented, particularly inside institutions operated by Corrections and the Youth Authority.
- 4) Wherever possible, psychiatric testimony and evaluation should be made by those who share the ethnic background of the defendant. This procedure will encourage open communication and enable the psychologist or psychiatrist to make a fair evaluation, unhampered by cultural misunderstandings or biases.
- 5) Court interpreters must be of the highest competency, have a primary interest in clear communication to and from a defendant preparing for a defense, and while in court, be always available to confer with the defendant prior to a court appearance.
- 6) Jury selection methods should ensure a proportionate representation of minorities on panels. Voter registration lists are inequitable because of the low statistical proportion of minorities and the reduced chance of being summoned. Jury compensation should be increased so as to compare with federal courts (\$20-\$30 per day), thus removing unfair hardships on wage earners.
- 7) The use of alternatives to incarceration should be expanded and supported by adequate funding, coupled with a process which would insure that such alternatives are available to ethnic minorities. Alternatives should include but not be limited to:
 - Citation release
 - Summons v. warrants
 - Extended O.R.
 - Work furlough
 - Weekend sentences
 - Restitution programs
 - Diversion programs
 - Residential facilities rather than jails
- 8) A Correctional Ombudsman program such as that provided for in Assemblyman Murphy's 1975 bill (AB 553) should be adopted.
- 9) Union involvement with prison inmates should be expanded to include apprenticeships, minimum wages and a trust fund for release or family support.

- 10) Judges should be compelled to visit prisons before and after confirmation if they hold office for an extended period of time.
- 11) State budgeted Family Unity Programs should be implemented. They should include:
 - Visitation programs
 - Social services
 - Case workers
 - Job finders
 - Family treatment units
- 12) Serious consideration must be given to higher funding for community based programs. Generally, they can address local problems better than state or federal bureaucracies.
- 13) Correctional agencies should become strong advocates for quality education in our elementary, junior high and high schools with an emphasis on minority studies.
- 14) Correctional agencies should become involved with community groups to assist, where possible, regarding employment for youth and the hard-core unemployed.
- 15) Agencies such as the Youth Authority and Corrections should become actively involved with the community groups who manage community based programs.
- 16) There should be one or more citizen advisory committees or task forces large enough to represent significant sections of the state but small enough to be effective to hear community concerns regarding crime, incarceration and violence in California and to advise the directors of Corrections and the Youth Authority and make annual reports and recommendations to the Governor.
- 17) Top administrators, policy makers and decision makers in the criminal justice system should receive the same training as line staff in the areas of human relations, cultural awareness and ethnic differences.
- 18) The manner in which plea bargaining is presently being practiced, coupled with inadequate resources for legal defense, leads to abuses which result in the over-incarceration of poor and minority groups. A conviction through the use of plea bargaining should be subject to legal review by an independent body which would be similar to the review of the sentencing practices of the courts.
- 19) An added state tax on alcohol should be levied to support alcohol prevention and treatment programs.

- 20) Due to the increasing rate of commitments of females to Corrections and the Youth Authority, the Task Force recommends that each of the two departments make every effort to ensure that female inmates have full access to productive education and training programs, medical services, counseling and psychiatric treatment, recreation and any other opportunities while incarcerated and on parole which will assist them in their efforts toward rehabilitation and integration into the community.

SPECIFIC ACTION STEPS RECOMMENDED FOR THE
SECRETARY, HEALTH AND WELFARE AGENCY

- 1) The Secretary of the Health and Welfare Agency should assign to an appropriate Deputy Secretary the responsibility of pursuing implementation of the Task Force findings. Utilizing the report as a guide, the Health and Welfare Agency should design an action plan setting forth a systematic approach for dealing with the Task Force findings.
- 2) The Secretary of the Health and Welfare Agency should pursue avenues which would result in state funds to replace lost LEAA funds. It is anticipated that after 1981 there will be no Congressional appropriation for the LEAA program. The impact in California will be a great decrease in the community-based organizations operating to improve the criminal justice system. The Health and Welfare Agency, in an advocacy role, could be effective in meeting with state and local agencies and with community groups to bring attention to the report finding and to the remedial suggestions contained in the report.
- 3) The Health and Welfare Secretary should initiate a study of the policies of state criminal justice-related agencies to determine whether the policies are adverse or beneficial to the topic dealt with by the Task Force and to further define (in conjunction with the respective agencies) what policy and administrative decisions should be made to effectuate remedial change.
- 4) The Secretary of Health and Welfare should support and implement an aggressive public information program related to the issues of the disproportionate incarceration of minorities and take steps to assure widespread dissemination of this report throughout society.
- 5) The Secretary of Health and Welfare should present the problems set forth in this report to the Governor and his Cabinet and act as a catalyst to forcefully ensure that the attention of all levels of government is directed to their resolution.

- 6) The Secretary of Health and Welfare Agency should convene a special body to include the Superintendent of Public Instruction, the Attorney General, State Legislators, local elected officials, members of the business community and the general public to develop strategies to address those problems which contribute to the disproportionate incarceration for minorities.

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SUMMARY OF SPECIAL CRIMINAL JUSTICE PROBLEMS
OF NATIVE AMERICANS

The Indian population in California, for the purposes of this report, will be discussed in two general categories: (1) those living in urban areas, and (2) those living on Indian reservations/rancherias (reservations herein) and in rural areas. A 1975 report prepared by the Health and Welfare Agency estimated that 197,000 Native Americans reside in California--66 percent living in urban areas, 15 percent on reservations and the remainder in other rural areas. There are over 80 Indian reservations in California, each with a separate tribal government and culture. According to a 1973 California State Lands Commission report, Indian trust land in California totals 540,473 acres (or 0.54 percent of California). The majority of urban residents are from tribes located in other states. Although the Indian population in each aforementioned category shared some common criminal justice related problems, reservation and rural Indians face the following unique problems:

- . Alcohol was mentioned by numerous Native Americans as the number one factor leading to Indian arrests.
- . Other common problems mentioned are: unemployment, lack of education, mistrust of the system and a feeling of unequal treatment, lack of legal representatin and/or inadequate legal representation, and a lack of criminal justice system understanding of Native American culture and special needs.
- . The use of drugs and the sniffing of paint/glue is increasing among Native American youth.
- . Traditional programs funded/operated by criminal justice agencies are not effective for Indian people.
- . Native American representation is lacking throughout the criminal justice system and on bodies such as school boards.

Problems and factors unique to Native Americans residing on reservations or in rural areas contribute to their incarceration. A Native American community is identifiable in rural and reservation areas, and Indian people residing in these areas expressed at the hearings that they, as "Indians", face harrassment and unequal treatment by the criminal justice system. The cowboy vs. Indian relationship is further strained in the reservation areas. Many reservations are located in isolated areas and are a distance from criminal justice agencies. As a result, in some areas the reservations are viewed by the Sheriff's Department and their

deputies as a place where new deputies are assigned as are deputies being reprimanded by the department. From the viewpoint of Indian people involved, this situation exacerbates the mistreatment that they receive from the criminal justice system.

Testimony of reservation members referred to Public Law 280 as a factor associated with Native American criminal justice problems, and also cited the criminal justice system as not attuned to the special laws and rights afforded Native Americans. Public Law 280 is a federal statute which transferred to the State of California in 1953 a broad degree of civil and criminal jurisdiction over Indian reservations. Prior to 1953, with few exceptions, California Indian reservations were under federal jurisdiction. Reservations either maintained a tribal criminal justice system or were under the Bureau of Indian Affairs system (or some combination of federal and tribal). Today, common feelings among reservation leaders and residents are that the state system is not capable of providing adequate criminal justice services for the reservations, and that the system is unaware of the special laws and relationships involved when dealing with a reservation. Tribal governments are duly elected bodies and are recognized by the federal government as units of local general governments. Federal Indian policy and the courts recognize Indian tribes as dependent nations with sovereign powers of self government (unless Congress specifies otherwise). Tribal persons at the hearings were adamant that the "system" does not have an adequate understanding of the above nor of the laws and special rights of Native Americans, and that officers servicing reservations should establish a relationship with the reservation governing body. Because of the complex jurisdictional scheme resulting from the tribal-federal-state relationship, residents of reservations must live under laws of each government. Naturally, such a scheme presents criminal justice confusion/problems for the Native Americans involved.

Problem areas involved with the incarcerated Native Americans, in general, include: tribal marriages; implementation of the Native American Religious Freedom Act of 1978; inadequate vocational training, education assistance, and parole assistance; acceptance of and access to traditional medicine men, and getting sweatlodge ceremonies institutionalized; and utilization of special assistance available for incarcerated/parolee Native Americans.

The concerns of minority California as revealed by testimony in 23 public hearings throughout the state disclose the view that:

- 1) Discrimination pervades California's social institutions.
- 2) The basis of discrimination is economic.
- 3) Barriers raised within social institutions place minorities on the margins of California society.
- 4) Key social institutions raising barriers are:
 - a) the world of work
 - b) education
- 5) Cynicism regarding government's will to correct inequities is growing.
- 6) Police enforce the law upon minority communities to protect White society.
- 7) Justice is a function of social status as determined by money and ethnic group.
- 8) There is an underrepresentation of minorities on juries.
- 9) There is an extremely high incidence of crime within inner city minority neighborhoods.
- 10) The majority of the problems of Hispanic youth is related to cultural and language difficulties.
- 11) Most crime among Native Americans is alcohol related.
- 12) There is a lack of research which addresses crime in the minority community.
- 13) Public defenders, because of unusually large caseloads, are unable to provide consistent quality legal protection to defendants.
- 14) The public school system in the inner cities is not responsive to the needs of minority youngsters, particularly at the elementary school level.

TASK FORCE PUBLIC HEARING SCHEDULE*

San Francisco, January 14, 1980, 1:30 p.m. - 9:30 p.m.
State Building, 1st Floor, Room 1194
455 Golden Gate Avenue

Sacramento, January 21, 1980, 1:30 p.m. - 9:30 p.m.
Employment Development Department, West Building
722 Capitol Mall, Room 4061

Redding, January 23, 1980, 1:30 p.m. - 9:30 p.m.
Shasta County Courthouse
1450 Court Street, Room 312

Eureka, January 24, 1980, 1:30 p.m. - 9:30 p.m.
County Courthouse
Board of Supervisors Meeting Room
825 Fifth Street

El Centro, February 4, 1980, 1:30 p.m. - 9:30 p.m.
Courthouse, Council Chambers
900 Block, Main Street

San Diego, February 5, 1980, 1:30 p.m. - 9:30 p.m.
County Administration Auditorium
1600 Pacific Highway, Room 358

East Los Angeles, February 6, 1980, 1:30 p.m. - 9:30 p.m.
East Los Angeles Neighborhood Facility
133 North Sunol Drive

Pomona, February 7, 1980, 1:30 p.m. - 9:30 p.m.
City Council Chambers
505 South Garey Avenue

Santa Ana, February 13, 1980, 1:30 p.m. - 9:30 p.m.
City Council Chambers
20 Civic Center Plaza

Compton, February 19, 1980, 1:30 p.m. - 9:30 p.m.
Compton City Council Chambers
205 Willowbrook Avenue

Los Angeles, February 20, 1980
Florence Firestone Neighborhood Facility
7807 S. Compton Avenue

Venice, February 21, 1980, 1:30 p.m. - 9:30 p.m.
Venice Pavillion
1531 Ocean Front Walk

Pacoima, February 25, 1980, 1:30 p.m. - 9:30 p.m.
PaCoima Senior Civic Center
13570 Van Nuys Blvd.

Appendix "C" (cont'd)

Santa Barbara, February 27, 1980
Franklin Neighborhood Center
1136 E. Montecito Street

Bakersfield, February 26, 1980, 1:30 p.m. - 9:30 p.m.
Bakersfield School District
Educational Center
1300 Baker Street

Fresno, March 3, 1980, 1:30 p.m. - 9:30 p.m.
State Building, Assembly Room
2550 Mariposa Street

San Quentin, March 6, 1980, 9:00 a.m. - 5:00 p.m.

Youth Training School (California Youth Authority), March 7, 1980,
10:00 a.m. - 5:00 p.m.

California Institution for Women, March 7, 1980, 10:00 a.m. - 5:00 p.m.

Oakland, March 25, 1980, 1:30 p.m. - 9:30 p.m.
City Hall Annex
1417 Clay Street, 3rd Floor

San Jose, March 26, 1980, 1:50 p.m. - 9:30 p.m.
County Government Center
70 Hedding Street, Room 26

* Various hearing sites were selected as a result of recommendations made by a task force subcommittee. All hearings were well publicized in the media and hearing notices were sent to a wide range of individuals and organizations including elected officials, law enforcement agencies, educators, and community organizations.

Three to five task force members were assigned to each hearing and a chairperson designated responsibility to conduct the proceedings. Both oral and written testimony was presented. More than 350 witnesses representing numerous groups and organizations testified at the hearings.

END