

INTERVIEW WITH RICHIE PEREZ

**Founder, National Congress for Puerto Rican Rights
& The Justice Committee**

Edited by Blanca Vazquez

Contents:

- 1. Personal History**
- 2. Policing in the Rudolph Giuliani Era**
- 3. Anthony Baez: Organizing for Justice**
- 4. The Families**
- 5. Alliances with Street Organizations**
- 6. Cover-Up**
- 7. The Blue Wall of Silence and the Courts**
- 8. Civil Disobedience**
- 9. Rudolph Giuliani and the NYPD**
- 10. Safety**
- 11. Zero Tolerance**
- 12. Arrest Quotas**
- 13. Crime Rates**
- 14. The Social Justice Movement**
- 15. Police Accountability**
- 16. Amadou Diallo**
- 17. Gary (Gidone) Busch**
- 18. Two Societies, Separate and Unequal**
- 19. Racial Profiling**
- 20. The Power Over Life and Death**

I. Personal History

I'm a product of the South Bronx and went to public schools in New York City. I became politically active during the movement for community control of the schools. I was a public school teacher at the

time. I was tremendously influenced by Evelina Antonetty and United Bronx Parents, who mentored me. In the late sixties I joined the Young Lords, which was a Puerto Rican organization styled after the Black Panther Party. I worked very closely with the Black Panther Party. I was a student and youth organizer and I dealt with issues of police brutality, among many other issues. I taught for fifteen years in different universities, primarily in Black and Puerto Rican studies. In the early eighties I became a founding member of the National Congress for Puerto Rican Rights, a national civil and human rights organization aimed at ending discrimination against Puerto Ricans. Since that time I've concentrated my work primarily on police brutality and racially-motivated violence and all the criminal justice issues that affect young people in general, such as disproportionate incarceration rates and lack of alternatives to incarceration.

Note: For more on Richie Pérez's life and work in his own words see *A Young Lord Remembers, Parts 1, 2, 3*

http://www.tbwt.com/views/specialrpt/special%20report-1_5-17-00.asp
http://www.tbwt.com/views/specialrpt/special%20report-3_5-22-00.asp
http://www.tbwt.com/views/specialrpt/special%20report-4_5-28-00.asp

2. Policing in the Rudolph Giuliani Era

Having been involved in organizing in the community and working with families around police abuse, and having myself been a victim of police brutality a number of times in my life, the Giuliani election in 1994 was very significant. Giuliani ran for mayor on a platform opposing a civilian complaint review board which we had been fighting for decades. We had just gotten an independence review board established in New York a few months before his election. A number of things concerned us. The rabble rousing that he did with the police unions at City Hall, the fact that during that riot police hurled epithets at the then-mayor David Dinkins and black city council members, and the fact that black police

officers just stood by while the police basically rioted were all signs that this was a backlash candidacy. This wasn't subtle. These were clear overt messages that the clock was going to be turned back and that the civilian review board was under attack. It seemed that the message was that the police were going to get pretty much a free hand.

In Mayor Giuliani's first week in office (after he was inaugurated in January) three things happened that were very significant. One was that the Harlem Mosque was invaded by police officers and the Giuliani administration refused to meet with any Harlem leadership. Second was that in the first week a young African American man in Queens was shot to death in a building by police officers; witnesses said he had his hands raised. And then the third was the killing of Anthony Baez by a chokehold. So all of these things came together very quickly, and soon after a number of other things occurred.

3. Anthony Baez: Organizing for Justice

A friend of ours who was distantly related to the Baez family called us and told us that Anthony Baez had been killed and that there was going to be a rally around his death at the Bronx Court House. We went as supporters and observers. Iris Baez was there with the members of her family. The details of the case were stilling coming out, it didn't come out all at once: the fact that he had been killed by Frances Livoti with an illegal chokehold, the fact that Livoti was in a forced monitoring unit and he was supposed to be monitored by a sergeant the night he killed Anthony Baez. A lot of that information hadn't come out yet. But we knew a young man had been killed in the Bronx. At the rally I saw Iris, her family and some clergymen who supported her. It became clear to us that she was very religious and tremendously heartbroken. We went over to her at the end and told her that we were available for assistance in whatever way she wanted.

A few weeks later, as the family began to overcome the initial trauma and began to figure out what they had to do, they reached out to us and we had our initial meeting. It was very clear to us the first time we met that some of the clergy people were telling her that the police department investigation would bring justice for them. It was clear to us that some of the more conservative clergy people and some of the elected officials in the Bronx had wanted her to stay away from us, that there was no need to work with an organization who in their eyes was confrontational. It was a form of red-baiting.

So the family had their suspicions about us. They didn't know who we were. They were people who, like many of the families, believed in the system. When this tragedy hits they're not political activists. When you come from a political orientation you have a mindset that these things are possible, that they've occurred historically and they will continue to occur until there are real systemic changes. But the Baez family, and all the others that we've worked with, are initially all believers in the system. And then when they lose a loved one and find that the system that they believed in begins to close its doors on them at every level, from the police department to the mayor's office to the D.A.'s and the elected officials, they find themselves in this David and Goliath situation where this monstrous complex system has now closed the doors on them. And the other thing to remember is that all they want to do is to mourn, they really don't want to be involved in a battle to break down these barriers. We understood that and we laid it out to them. All we could tell them was our experience. We've got decades of experience. We've worked on cases. We've actually won cases. We've gotten people who were innocent released from prison. We've gotten guilty police officers prosecuted. We always make a point of telling people, including the Baez family, that we can't guarantee justice, but we can guarantee

that if they want to fight they don't have to fight alone. That we'll share with them the cumulative experience that our community has gained over the decades, because that's part of our role. We'll share our expertise as organizers with them but they have to make all the decisions and they've got to determine the pace and the language and the imagery and all of those things.

I think that Iris and her family relied in the first phases of this on the people who said they would support her. The Baez family had a very friendly relationship with the precinct from which Livoti came. After Anthony was killed that relationship soured and police officers continued to harass her other sons. Some of the elected officials put some distance between themselves and her. And some of the clergymen failed to come through with the kind of mobilizations and church-based support that they had promised. As the doors began to close, and as some of the people she thought were going to be allies really weren't, it was a natural thing for her to say, "Well, where are my other allies? Where are the resources that I can rely on as all of these things start to happen to me?" It became obvious after the initial shock of losing a loved one that this was going to be long and complicated, that they were not just up against the police department, that the mayor was already talking about giving the cops the benefit of the doubt. The media was starting to spin this. Iris Baez still lived in the middle of the precinct where her son was killed and where her other sons were being harassed. Given all that, the family reached out and we began to build a relationship that took a long time to build.

4. The Families

One of the things we've learned over the years is that we can empathize with people who lose loved ones, but nobody can really connect like another family who has gone through it. So what we always try and do is

to connect the families with one another so that they can get strength from each other and so that the newer families can learn from the older families. We were working with on the Manuel Mayi case, a racial murder case in Queens. Mrs. Altagracia Mayi has worked with us for eleven years. And like every other family she believed in the system, but as the years went on the system locked her out. The police department failed to do a vigorous investigation. Because it was white kids killing a Latino kid in Queens, it didn't have the same cache as if it were reversed. We immediately connected the Baez family with the Mayi family and a few other families that we had been working with previously so that they could exchange the experience of loss, so that the Baez family could see that it is possible to struggle, it is possible to turn your loss into focused anger and still maintain your humanity. Because part of what happens is that you're so angry that it really threatens to take away your humanity. The families began to help each other. Later on Iris joined the group and we were then able to connect to newer families like Anibal Carrasquillo's mother, Yong Xin Huang's family, Frankie Arzuega's family, all of these families who had lost children. Iris became part of the group, and eventually they joined with Margarita Rosario and Hilton Vega's mothers. The question is: how do you transform from someone that everything is operating on you to someone who affects the world, who determines what happens? Instead of just being a passive object in your own life, you start to define how your life is going to be and from a political perspective that means making choices. For the Baez family they had to make choices as to who their allies were going to be.

5. Alliances with Street Organizations

At that time we were working on a gang truce between the Latin Kings and the Ñetas, and the truce was holding. It was significant for the Latino community because it meant a reduction of violence in the community. Part of the gang truce was to involve young people in

political action, voter registration, demonstrations and political education. One of the issues that resonated with gang members was police brutality because they're young people. It resonates with all young people because they are the target of the police stop-and-search policies and the mass arrests. So the issue of police brutality resonated with all young people, including young people that were in gangs, because they're the ones who are stopped and frisked. They're the ones who are illegally arrested and harassed, whose rights are violated in the main. And they became very active in the movement to get justice in the killing of Anthony Baez, as did some young construction workers from Positive Work Force from East Harlem, as did a lot of youth groups around the city. It was almost as if it was a convergence of a lot of factors and I think who Iris was, was one of the factors. Iris was the member of our family who was religious, who was not political, but who had a steel personality. She had that internal strength and commitment and clarity and unfortunately people had to see this at a time of tremendous grief, but her strength and her humanity came through even with all the grief. And people felt that "Wow, if this could happen to this woman who is such a good woman and had such a good family it could happen to any of us." And the fact that the Baez family believed in the system made it even more touching for people because it also said, "See, if you believe in the system it doesn't guarantee that you get justice." Now the family has to grow because they're in a situation where they're confronting new challenges that no one should really have to confront. But they're forced to do it if they're going to get justice for Anthony. And one of the issues is, who their allies are going to be? Who are they going to be seen with? Who are they going to be pictured with? They were under a lot of pressure to renounce the support they were getting from the gangs. Some of the right-wing newspapers in New York trumpeted that gang members were supporting this movement. And at one point a police officer from the precinct from the 46th precinct was shot. And

immediately, without any evidence, newspapers began to speculate without any evidence that it was gang members that were part of the justice movement that had done this in retaliation for Anthony's murder. It turned out months later that it was an initiation by a drug gang. It had nothing to do with the movement for justice. But for the first few days it was all over the newspapers and the reporters were saying to Iris, "Will you get these kids out of your movement, these gang members, will you throw them out of the movement so that they won't march with you?" And she met with all of the families, because all of the other families were confronted by the same thing. People in the neighborhood were saying, "Why are you taking support from these kids?" That wasn't the only support they had. They had support from clergy. They had support from professors. They had support from all kinds of people. But it was an attempt to break the movement because the strength of the movement was in the mix of the people that it brought together. Not in the uniformity of the people, but in the diversity of the people. After the families got together they called a press conference in front of Iris's house. They called the leadership of the Latin Kings and the Ñetas to stand with them and they said, "We welcome these young people." Iris said, "I lost one son and I gained a hundred," and that was so touching. That was a real turning point because it also spoke to the possibility of transformation and redemption for the people who had been in a gang world. For many of them it was one of the first times that they had been embraced in such a public way. It also meant that the Baez family was being seen as the focal point of the families around justice, that the Baez family was going to continue to welcome all of the supporters that came around them and was not going to succumb to these forms of divide and conquer. It was a really significant moment. I still remember it because it touched people so deeply.

6. Cover-Up

There were a number of things about this case, in addition to Iris's personality and her family, that made it a very significant story. Number one: Livoti was a PBA delegate. He was also being monitored by the department, which is highly unusual. That meant that he was a danger and that the police department recognized it. The night Livoti choked Anthony Baez to death the sergeant was in the car with him and didn't intervene as the whole incident built up and Anthony was choked. It showed that the forced monitoring program was not effective. The 46th precinct had been identified by the Mollen Commission, which had been set up by former mayor Dinkins to investigate police corruption and brutality, as a "problem precinct," meaning officers testified about routine brutality and cover-ups in the precinct. It was clear that the Mollen Commission recommendations about that precinct were being ignored.

The fact that one of the top police officials, Louis Anemone, said after this incident that Francis Livoti was the kind a cop the city needed indicated that the entire police department was closing ranks to support Livoti. The fact that Livoti's dozens of CCRB complaints against him, many of them for excessive force, were being ignored talked about the institutional nature of the cover-up and that bad police officers were being protected by the system. Not just by the other police officers who lied at the trial, but they were protected by their superiors like the sergeant who was on the scene. Like the officials in the precinct. Like the top brass in the police department who closed ranks. What the case exemplified was the inability of the NYPD to police itself. Livoti was a living example of that. Later on we would see that other officers, like those who tortured Abner Louima and the ones who shot Amadou Diallo, had similar histories. It was well-known that Livoti had protection at the highest level of the police department. At one point Livoti actually physically assaulted a sergeant, and wasn't thrown off the

force and wasn't disciplined. That never happens unless you've got real connections in the police department. It also told us that good police officers who want to do their job are operating at a disadvantage because the buddy system and the protection system inside the police department sends a message to them. If a guy like Livoti -- who everyone in that precinct knew was a hotdog, a cowboy -- can just go about his business without anyone intervening and everyone knows it, then that sends a message to all the cops about what the culture is, about what is okay and what is not okay.

7. The Blue Wall of Silence and the Courts

I think when we look at the Livoti situation we need to see how he got protection not only from the police department, but how he got protection in courts as well. A number of police officers lied in court to protect him. They said that after Anthony Baez was choked by Livoti that Anthony got up and walked, meaning that Livoti didn't kill Anthony. If you remember at first they said Anthony died of asthma, and that was what these officers were trying to say. One police officer, Daisy Boria, a woman, testified that Anthony never got up again after he was choked. She challenged the blue wall of silence. She contradicted her partner. The judge said there was a nest of perjury in this case. None of those perjurers have ever been prosecuted. Daisy Boria received death threats. She couldn't open her locker; they used to have the bomb squad open her locker. The captain of the precinct told her she would have to leave the precinct because he couldn't protect her. Now how is it you can't protect a police officer in a police precinct? If the captain can't protect the police officer, who runs the precinct? Or is the captain colluding with the ones who are threatening Daisy Boria? Eventually Daisy Boria sued the police department and left the police force. The people who tormented Daisy Boria never faced anything. That's all part of the blue wall. So it's not just the cops, it's the system that protects

liars, and does not protect a good cop who wants to tell the truth. And we saw it in the court. We saw it later on in the precincts. Now what message does that give to cops? The message it gives them is, "Keep your mouth closed and go with the flow or you're going to catch hell."

The typographical error is another example. The typing is being done in the D.A.'s office. Does anyone check it? When we heard about it we said, "Of course, they did it on purpose." There were rumors that Livoti had friends that worked in the D.A.'s office, but even if he didn't, the D.A. is responsible. How could such a thing have occurred? After it occurs, the Bronx D.A. says to the Baez family that that he's going to appeal the typographical error. An appeal could take as much as two years. Now two years means that you put your life on hold for two more years. The movement's momentum dissipates and you don't know what the outcome of the appeal is going to be. The Baez family said, "We have lawyers who told us that's not his only option. His other option is to re-indict, go to a grand jury and re-indict and this time make sure there are no typographical errors." That was the reason we did the sit-in in the Bronx D.A.'s office, to call public attention to the fact that he didn't have to wait two years for an appeal. He could re-indict immediately, and that that's what the family wanted him to do. We brought press with us to the sit-in, we were prepared to go to jail. We forced him to come out of his office to deal with the press and tell Iris Baez and her family why he was making the decision that he had made, and then he reversed the decision and re-indicted Livoti. We think that that was part of the cover-up, and that he's responsible, and the lackluster prosecution that was eventually done up in Albany in the Diallo case also goes to the Bronx D.A.'s office. It becomes very difficult to tell people to believe in the system when at every step along the way parts of the system protect the person who killed your son, and Iris has said this herself.

I think the paperwork error in the Livoti indictment was done by people who work there and that the Bronx DA wasn't on top of the case. I don't think he ordered it. I think it was done by other people who were there, but he didn't make sure it was correct and nobody ever got punished. Let me tell you, that's a very serious error. It's not just a typing error in the sense that someone typed a "t" instead of a "d." This was a substitution, they put in the wrong charge. Instead of putting one degree of murder they put another degree of murder. It's a totally different word. It's almost impossible for me to believe, and I think for the rest of the city to believe, that it was an accident. That had to be intentional. Someone did it on purpose. The D.A. wasn't on top of the case. He didn't take care of it. He runs a slipshod office. That's what people felt. I mean at each step along the way the perjurers are not responsible, the person who did the typographical error is not responsible, the sergeant who is supposed to be monitoring Livoti is not responsible, nobody's responsible for anything. At the same time we're being told how responsible we have to be for the kids in our community, but the whole system is not responsible for the implementation of justice and law. That's wrong. People see the hypocrisy. If I made a typographical error like that I'd lose my job. I mean that's a serious mistake, but nobody lost their job, nobody was reprimanded. What the D.A.'s office did was to close ranks and say, "Okay, we have to appeal." And the Baez family said, "No, we're not waiting for an appeal. We want you to re-indict." The D.A.'s supposed to work with the Baez family too, he's supposed to work with the victim. He didn't call them and say, "Let's look at our options here." He made a choice. He never consulted them. The choice was the worst possible choice for the Baez family. It was the best choice for Livoti and the police department, so what conclusion should we reach?

8. Civil Disobedience

The radicalization of Iris Baez was not of her own choice. She was radicalized by the way the system responded to her. The system locked her out. It refused to speak to her. Her requests were always reasonable. The criminal justice system and the political system that sits on top of it didn't hear her request. They didn't treat her like a human being and they shut her out. When we did the sit-in at the Bronx DA's office, Iris Baez came with this huge leather bound Bible, and in the course of the sit-in she was pounding on the Bible. And I say that because this was a religious woman. She was relying on her faith, but also her God told her, "You have act. It's not just enough to pray to me, you have to act to make things happen." And she was acting, but she was acting in good faith. She didn't operate off of preconceived notions. As she went through the twists and turns of the case in the criminal justice system she started to see ugliness and evil and undemocratic authoritarianism and inhumanity. It was in the course of trying to find out how could this happen to her son and her family that she started to see all of it and it radicalized her. The fight for justice radicalized her. She wasn't a radical, and in turn she realized that she now had an obligation to every other family to share with them what she had gone through.

Our strategy for the sit-in in the Bronx D.A.'s office was to shame the Bronx D.A. into re-indicting Livoti. We pulled together a team of people; there were about 12 of us. We brought a couple of friendly reporters with us to the sit-in and we told them, "We're going to do civil disobedience. We're willing to go to jail to pressure the D.A. to re-indict Livoti. We want reporters to be there. We want you to question him and we want you to watch them arrest us." Before we did this we had a meeting with the Baez family. People were pretty despondent after the typographical error because it seemed to us like the system had closed ranks and was pulling some dirty tricks. We looked at all the options that we had. One option was to let them do the appeal, which could take

up to two years. During those two years the movement would dissipate. Anthony's name would move to the bottom of the list. The momentum that they had built would be gone. Everyone rejected that option and then we said, "Well, the other thing is to force the D.A. to re-indict." How do we force him? Public embarrassment, public pressure. What's the greatest form of public pressure? Make him arrest Anthony Baez's mother. It'd be easy to arrest us, the radicals, the community activists. It's not going to carry the same the weight. The press isn't even going to be that interested. The story is Anthony Baez's mother, his sister, other mothers and other families members willing to go to jail to demand this. The D.A. had already messed up by not talking to them about the options after the so-called "typographical error." And so we presented this to them. We had to operate within a window of time of a couple of weeks because he was going to make a decision. We thought that the greatest impact would be that we were prepared to go to jail, but that it would have less impact if we did it without the Baez family, that the greatest impact would be if they were willing to do it. And after discussion they agreed and we kind of trained everybody for civil disobedience and we took the action.

Iris and her family were very highly motivated. In civil disobedience training a lot of times you have to get people to understand that no matter what happens this is about non-violence, but Iris is non-violent. It's is not a tactic for her; it's her way of life. More of the training was about exactly how we're going to do it, where to meet in the morning, how to come up in the elevator, what we should anticipate after we're arrested, what to bring with you, what not to bring with you, jail house solidarity, how none of us would go home until everybody was out of jail no matter how they staggered the release. We had some legal preparation to understand what charges we would have. We wanted trespassing charges; we didn't want any other charges because we wanted

to be out in a day or two. That was really the preparation and everything went exactly the way we had anticipated. We came up in the elevator, we brought the reporters in with us, we marched right past the receptionist. We didn't push our way through, we sat down right between the doors and the elevator and started chanting. We had a written statement which we read and gave to the D.A.'s representatives and to the press. One of the reporters was from an all day news radio station and they were broadcasting live from the sit-in. The media part of it worked out well. We had supporters outside and we had legal people outside. We demanded that the Bronx D.A. come out and meet with the families. After a couple of hours they threatened they would arrest us and we said "bring it on" because that's why we were there. A few hours went by and then Bronx D.A. Robert Johnson came out. There was a back and forth between him and Iris and Margarita Rosario that was filmed and broadcast by the camera crew that we brought with us. Then he went back in. He was angry. We continued the sit-in. But they decided they weren't going to arrest us. They didn't want photographs of Iris Baez in handcuffs. Public opinion was inflamed against the Bronx D.A.'s office after the so-called typographical error and he didn't want to add to that by arresting the mother. We went in at about nine in the morning, and at nine o'clock at night they told us, "We're not arresting you. If you leave we're not going to allow you to come back in, but we're not arresting you. If you want to stay all night, you can stay all night." They locked up everything and they left us in the building. The police were downstairs. If we had wanted to leave we could have. By about nine o'clock at night we hadn't been to the bathroom and no bathrooms were available. The story had already been reported in the media and the media had gone home. We decided that our point had been made and we left.

I think the problem is the symbiotic relationship between the D.A.'s and the police. They live off each other. D.A.'s can't succeed without the cooperation of the police, and they definitely are afraid of bucking the PBA, to which Livoti was a delegate. He had juice there, and he had juice inside the police department up to the highest levels, and I think that speaks for itself.

Some people said at the end of this that the Baez family got justice, that the system works. What we said is, "No, the system doesn't work." Yes, the people got justice, but the system failed consistently at every point. The fact that this family was able to gather allies and mount a four-year movement to put one cop in jail is a testimony to the family. And it's a testimony to the community. It's not a testimony to the police department. They were forced, in the end. Actually, I shouldn't even say they were forced because they didn't do it, the federal government came in and tried Livoti on civil rights violations. The police department never dealt with that situation. They were forced to confront it and the lesson for us is: how many other families have experienced things like this? It took a four-year effort which for this family was day and night. Iris went all over the country to speak. She went all over the city. Her sons, her husband, everyone was out there talking and organizing. We built a movement around the case because, aside from the human factor, the case embodied our criticism of the NYPD and the political cover-ups that help the police department. But that was an extraordinary effort and if it takes an extraordinary effort like that -- tens of thousands of people marching, petitions, voter registration drives, TV shows, an extraordinary effort where everyone put their lives on hold to deal with this at great personal cost to themselves emotionally and financially -- then it means that justice is not routine. We need justice to be routine. That's what it is supposed to be. It shouldn't be an extraordinary effort. So we look at this and say, on the one hand, "Congratulations to all of

those who participated in that.” On the other hand we say, “What about the families that are not able to put this extraordinary effort together? How do they get justice?” What it means to us is that the system is still rigged against individual families and individual victims, and until justice is routine then we really don’t have justice. What we have is the people forcing the system to court and winning. I’m talking about tens of thousands of people in demonstrations for four years, and some of those were at six o’clock in the morning in the freezing weather, in the rain and in the snow, marching in the street. We built a tremendous movement of support for them because this case for us embodied every thing that we had been saying about the inability of the police department to police itself, and that people in politics like the mayor at that time were willing to support the police department no matter what. The cover-up was systemic, it was built into these institutions, and it went beyond the police department right up into City Hall. In the end that effort won. We were able to force a federal indictment after the case failed locally. But an extraordinary effort like that means that justice is not routine. That’s not fair. How many families can mount the kind of campaign and pull together the personal resources and the community resources to make something like this happen? Livoti going to jail didn’t mean the system had changed. That didn’t mean that inside the police department things had changed. It means that every other family still has to do the same. It means that an extraordinary effort must be expended every single time this happens. And we tell the families that until we have systemic institutional change, every family has to do this. And we’ll do it with you, but understand what the cost of it is going to be.

9. Rudolph Giuliani and the NYPD

We have to understand Anthony Baez’s killing in the context of what was going on inside the police department and with the mayor. The police department had instituted a new policy. Remember this was a get-

tough mayor. He was going to clean up the town. There was a new sheriff in town, and the police department instituted “zero tolerance.” Their policy was, “You stop and frisk everyone, and you’ll find something.” We’ve had a number of lawsuits that have challenged that, but the reality was that in the first two years of the Giuliani administration, tens of thousands of people were stopped and frisked illegally. No forms were filled out. The zero tolerance campaign and the cleaning up the streets campaign was really a war against young people of color. All of a sudden we had the criminalization of activities that were never criminal before. People riding bicycles on the sidewalk could be stopped. People just walking around could be stopped. Although the U.S. doesn’t have a national ID card, if you were stopped by the police and you couldn’t prove who you were they might take you in. We saw the number of arrests rising. In the first year of the Giuliani administration the number of juvenile arrests rose by 98,000. And what this reflects is increased contact between the police department and young people of color. Inevitably there were going to be cases, because we see police brutality as a spectrum of stop-and-frisk, beatings and killings, but the killings were the far end of the spectrum. The iceberg was the tens of thousands of people whose rights were being violated to the point where young people in the black and Latino communities understood this as part of their lives. They internalized that this is how life was. The police officers themselves started getting the message that, “Anything goes and that the system will protect us. You can do stops-and-frisks. You can throw people on the ground.” We have cases of members of our organization whose kids were thrown on the ground at gun point and then let go and told to, “Get the fuck out of here before we shoot you. See if you can outrun a bullet.” That kind of brutality, and just constant police pressure on young people, was what was going on. This was part of the Giuliani plan to clean up New York City. It was the underbelly of the Giuliani success story. It’s always a marginalized group

that feels the pressure first, and then those tactics began to spread to the rest of the city. You had people who were being arrested for allowing their dogs to drink from the fountain in Central Park. Then white middle-class people began getting arrested and put through the system because now everyone was being put through the system. There were no desk appearance tickets. People began to realize that the danger to civil rights and human rights is never confined to one group. It always extends to the larger society. You say, "Yeah, we need to suppress them" and it eventually comes knocking on your door. They learned that in Germany, and every other country where democracy has been undermined has had the same experience. We had it here.

Anthony Baez's killing has to be seen in the context of this get tough, zero tolerance, anything goes, the-police-will-be-supported-no-matter-what attitude. We used to confront Mayor Giuliani at Town Hall meetings and challenge those policies, because they did not make the city safer for us. What they meant was that families now not only had to worry about their kids getting caught in a crossfire of gangs or drugs, they had to worry about police officers with arrest quotas they had to fill. Cops felt free to stop my son, anyone else's kids and demand identification. And if they didn't have identification, or if they didn't show the respect and deference the police officer wanted, they were going to take them in. And the numbers showed that was exactly what was happening. Kids were languishing in jail because they couldn't make bail. So the term "criminalization of a generation" is not an exaggeration. The criminalization of young people of color, the same young people who have no place in the economy because the economy has been restructured. They're part of a school system that has deteriorated and are being subjected to this tremendous pressure by the police in every one of our communities under the guise of making us safer, And now we have to worry about police officers who view our kids as criminals. We

view them with love -- they're our children, they're our brothers and sisters -- but they view them all as perpetrators or potential perpetrators.

10. Safety

We want to be safe. Our communities are the ones that face the highest crime rates, so we want to be safe. But the hallmark of democracy in every society is that in trying to deal with social problems it simultaneously has to pay attention to what makes it a democracy, which is civil and human rights. And so we can't have the stopping-and-frisking of everyone because that's against the law. There's a reason we have that law. You can't just round up everyone and then see if you can find a knife on somebody. Because in any community you go to, if you round up every one in the community you're going to find a couple of knives, but everyone else is going to have their rights violated. So the issue of safety is one that's important to us. The issue of the safety for police officers is important to us, too. But you don't make police officers more safe by enraging the entire community because of indiscriminate police sweeps. I've seen them and I've been in them, where entire areas are cordoned off and everyone inside that area has to prove why they're there. And if you can't prove why you're there, if you don't have identification and you can't prove why you're there, you're taken in. A friend of mine left his house in the Bronx to get a container of milk one night in his slippers, and didn't take identification. The area was cordoned off and he was caught up in a drug sweep. He was taken into custody because he couldn't prove why he was there, even though he said, "Take me up the block, my wife will tell you I live up the block." But he couldn't prove it so he was taken into custody. Does that make him more bitter? Does that make him less likely to cooperate with the police? Yes, it does. So that's a self-defeating way of making us supposedly safe because it turns everyone in the community into a potential criminal in the eyes of the police department. That's not the

way to make the community safe, nor is it the way to make police officers safe. The challenge for political leadership and for the police department is to deal with crime and at the same time to maintain what makes America a democracy, those rights that make this country different. People used to say that under Mussolini the trains always ran on time. There was no street crime in Nazi Germany. Those things are true but is that the price people are willing to pay? I would venture not. When crime starts to peak in suburban communities, they don't put the entire community into a state of siege, because those residents have more political clout than poor residents in inner city communities. They look for ways to target, to be precise, to increase the effectiveness of policing and the use of science and forensics and a number of other things. They don't turn the entire community into a target area.

II. Zero Tolerance

“Zero Tolerance” policing was taken to a higher level under Giuliani because he openly said he was going to follow the broken windows theory, which is a criminology theory that says you crack down on small crimes and it helps you deal with big crimes. That's a reductionist, simplified way of saying it. But what it meant was that they were adding a lot more crimes so that drinking an open can of beer in the street is now a crime. I would venture that a lot of people who will see this film have had an open can of beer in the street. How that law is enforced matters; it's enforced disproportionately in certain places. If you're sitting in front of your house in the suburbs drinking a can of beer, or in your backyard, no one arrests you, but in urban centers there are no backyards, so if you're sitting on your stoop you can be arrested. So we have people being arrested for a beer. You have people being arrested for loud radios, you have people being arrested for number of other things that before the Giuliani era were not crimes. Now they're crimes, and more and more things are being added to the list of what is a crime.

That's going to make this country a different place, and soon all of the residents of the nation are going to have to ask, "Is this the only way to do this? Are we safer or are we now becoming a different place?" Those are real questions. Our opinion of that is that we are moving towards a more authoritarian country with less checks and balances on the police department and that that is dangerous. Given America's racial history, those racial and ethnic groups that had been most marginalized are going to be the ones that these new things are tested on. And that once they are tested there they become part of the general culture of the nation and that we will see a steady erosion of our rights. And the consequences of that are an expanded prison system and young people who have records. If you ask people in this country, "Should our prisons be filled with non-violent criminals?" the majority of people say, "No." The drug war is filling the prisons with non-violent criminals; two-thirds of those in prison are non-violent. There should be alternatives to that. There are alternatives that should be looked at and we're not doing that. The problem is a complex one, but the policing strategy is a simplistic one. It's "Round them up, lock them up." And there are real limitations to the rights of people. Giuliani used to argue this all the time, that there were limits to freedom of speech, freedom of the press. That's why he was in court all time. He lost every single one of those court cases around freedom of speech, freedom of the press and freedom of assembly. He constantly looked to restrict those freedoms that are guaranteed in the constitution. The problem was that it takes a long time to go to court and in the meantime the freedom has been restricted.

12. Arrest Quotas

There were additional policies put in place in the police department that led to abuses. For example, there were quotas for arrests in every precinct, not just for issuing tickets, there were quotas for arrests. And it

didn't matter if the arrest was a good arrest or not. When I say "good arrest" I mean, did it withstand a court test? It didn't matter. There were arrest quotas for police officers and for precincts. And with the institution of what was called the Compstat program, which was a computer tracking system that told you where crimes were taking place in a precinct, and where arrests were taking place, police commanders and precinct commanders were called down to One Police Plaza and they had to answer questions. They were put on the hot seat, so the pressure came from the top to make more arrests. It got to the point where police officers couldn't make more arrests for real crimes, so they began to make arrests for things that were minor. They began to dumb down the policing process, and to massify it, even if the arrests were thrown out. But if you were making a lot of arrests it looked good when that computer-tracking chart was put up on the screen. And that was one of the things that set this into motion. It wasn't the quality of arrests, it was the quantity of arrests. Even the majority of gun seizures by the Street Crimes Unit were thrown out of court. That's bad. We want guns thrown off the streets, so do it the right way. We need professional policing. Don't blame anything else except the lack of professionalism. Spend more time on professionalizing police officers and preparing them and training them. We want guns off the street, but at the same time we're not willing to pay the price of living in a police state.

13. Crime Rates

There was a perception that crime was really bad in New York, and that it went down after Giuliani and Bratton instituted this "get tough" policy. But there's a debate that still rages among academics about what the factors were that led to crime going down, in addition to policing. There were a number of factors, including the aging out of the groups that commit most crimes, the fact that crack cocaine was replaced as the

drug of choice, because crack is a violent drug. The fact that community movements against drugs and violence began to proliferate. The gang truce movement also led to the decline of crime. There were a lot of factors at play. A lot of clergy and community people worked hard against violence in the community, as well as youth themselves who built Stop the Violence movements, and they need to be given credit. It was not simply punitive policing. It was also the proactive part that came out of communities themselves. So those things need to be looked at. There are arguments made that other cities have reduced crime, such as San Diego, without instituting the same kind of policies. I know it's smaller than New York City, but other cities have reduced crime at a level greater than New York by instituting different kinds of policies. I would say that those things are worth studying to see what the best practices are. To uphold punitive policing and to refuse to scrutinize this "get tough" New York City example excludes all other factors. Our movement was part of the anti-crime movement; we fought crime in our communities. We fought against the proliferation of drugs in the communities. We fought against the proliferation of guns in the communities and fought against violence in the communities. We fought for conflict resolution training for young people. We fought for a lot for things. Young people themselves turned their backs on that violence. Not everybody, but large sectors. Those were important factors. To say that the only factor that plays here is policing by itself is undemocratic. The Giuliani administration and some of the other politicians who followed him have made everything into a police issue. Everything needs a police solution. Immigration problems? Police them, arrest them. Homeless people? Arrest them. The problem of homelessness is not a problem of criminality. We need housing for poor people, there's a shortage of housing. So arresting everybody that is homeless doesn't solve the problem of the shortage of housing. Same thing around jobs and the economy. The economy was in the toilet. Unemployment rates

in inner city communities were tremendous. Young people couldn't get work. Summer youth programs were disappearing. All of the programs were going out the window, as we're going to see in the future with these big budget deficits. So you need to look at those factors, because there's no social scientist that doesn't see a link between the economy and crime. It's a fact that when the economy goes down crime goes up. All kinds of crime. We need to look at it. It's simplistic to say tougher cops did it all. And I think the reason people in government do that is because they find they find the Constitution and the Bill of Rights a burden and they could live without it. It's easier to make the trains run on time and deal with street crime if you've got an authoritarian non-democratic society.

14. The Social Justice Movement

We had already been active for years when Anthony Baez was killed in 1994. There had been a movement around a Civilian Complaint Review Board. We had fought throughout the nineties around different cases, winning some of them and building mass movements around them all over the city. At that point, we were still fighting around specific cases and Iris came into the middle of that. In the succeeding year we added Yong Xin Huang, Anibal Carrasquillo and a number of other people to the list of cases. Exactly a year after Anthony Baez was killed, Anthony Rosario and Hilton Vega were killed in the same precinct. In that year Frankie Arzuega was killed. Antoine Watson was killed in Brooklyn. Dozens of other killings occurred, and again I have to say the killings were the far end of the police brutality spectrum. What was going on daily was stops-and-frisks and abuses. Part of the reaction of the communities to the killings was fueled by the daily experience that people were having of being illegally stopped-and-frisked and having their rights violated. That was the movement that was forming, and it crystallized in late 1996 - 1997 while Iris was still fighting for justice. The

battle around the Anthony Baez case helped that movement, as the community went through the twists and turns of that case, and there were many twists and turns. The militancy amongst the families grew. The movement grew and became more and more visible and many of the issues that we had raising for years moved from the fringe to the mainstream. The context of this has to be seen. It was the tens of the thousands of illegal stops-and-frisks and arrests that created the groundswell. The killings became the explosions that triggered it all, but the foundation was the fact that in communities of color tens of thousands of people were experiencing various forms of police abuse. And when the killings finally occurred everyone said, "That could've happened to us. Amadou Diallo could have been us and Anthony Baez could have been us." So people said, "We've got to stop this." The killings attracted the greatest attention, but everyone wanted to stop the whole pattern of abuse, including those many incidents that were not killings but were violations of human and civil rights.

The number of killings by police officers went up in '95 and '96. The number of stops-and-frisks went through the ceiling, but that didn't become obvious until after Amadou Diallo was killed. We did a lawsuit to get the documentation about the Street Crimes Unit and found that all these anti-crime units across the city were actually roving bands of cops that were just rousting people left and right. This was not good policing, it was racial profiling based on the color of a person's skin, their accent and the community they lived in. Entire communities were being designated as drug-prone criminal areas. That was being done to facilitate police stopping everyone inside that community. Now, that's not community policing. One of the strategies we would urge is community policing. In the case of Amadou Diallo, for example, if you lived in that community you knew he was Muslim. Everybody knew the building where the Muslim brothers lived. They prayed there. They

didn't drink. Everyone in that community knew that. If the cops had been part of the community they would've known it also and they would not have reacted the way they reacted. So our work around the Baez case and around the other cases connected to a lot other issues. It connected to the stop-and-frisk issues. It connected the special units whose job was to cordon off areas of the community. It connected to the issues of police accountability.

15. Police Accountability

There was a sergeant sitting in the police car when Anthony Baez was choked. He came out afterwards to help arrest the rest of the family members, but he was supposed to be monitoring violence on the part of Livoti and he didn't do anything. He didn't go to jail. He was never brought up on charges. In the Diallo case you had a Street Crimes Unit, four guys who hadn't worked together before who were pretty new, who had no supervisor with them. They so much didn't know where they were that after they killed Amadou Diallo one of them had to go to the corner to see a street sign so that they could call in their location. Now who's responsible for that? This is not good policing, this is not scientific policing. This is a mess. But somewhere there's a hierarchy of people responsible, and ultimately it's the police commissioner, and the mayor who appoints that police commissioner. These are policies and practices that are set in place. Amnesty International, Human Rights Watch, the Congressional Black Caucus, all of them found that there were policies and practices in New York City that violated people's rights, and that's important. We're citizens of the world as well as being residents of the U.S.A. and so when international human rights organizations look at this and say, "There's a pattern, there are policies that led to these abuses," it's important. This is the picture that the world gets of America. And it's true. It's not true throughout, because these policies are first tried on the most marginalized communities. Eventually they will become law

and culture in America, and then the whole of our society will start living with the diminution of their rights and an expansion of police power in the name of us being safe.

During this period we were getting lots and lots of phone calls. There were so many cases of peoples' rights being violated by police that lawyers were having to set up a hierarchy of cases they could deal with. And because all of the cases were going to cost money (the lawyers were telling us that a typical case would cost \$10,000) if there weren't \$10,000 in damages it wasn't even worth taking the case. I had some young people who came up here to visit me who were stopped and frisked and forced to drop their pants at the train station downstairs, in what the police laughingly said was a search for drugs, which was really just a humiliation and a lesson to these kids. That case wasn't worth prosecuting in monetary terms. It would have cost tens of thousands of dollars for those kids to follow up on the case. The lawyers had to say that if there was no physical injury they wouldn't even deal with the case. The courts wouldn't deal with them.

There was a tremendous groundswell. That's how we knew it was happening, because people were calling us about their kids. People were afraid for their kids. They were afraid for themselves. The killings spiked it, but on a daily basis we were getting calls from young people and from their families about stops and frisks, being taken into custody, being put in line-ups. All kinds of illegal abuses were taken place. Being told, "You look like the guy we're looking for," and that could be anything.

We had studied the Mollen Commission report and it told us about patterns of police abuse that had been discovered right before the Giuliani administration came into office. We fought police brutality under Dinkins, we fought it under Koch, we fought it before that. We

fought it under Giuliani, and we'll fight it after Giuliani. It's not one mayor or another, although the ideology and perspective of a mayor in terms of human rights and civil rights is very important, because that will inform how far they're willing to go. So we felt the accumulation and that's what we really need to talk about is an accumulation of grievances. And let's remember that every commission that was set up after the rebellions of the 1960's riots said that the trigger event was police brutality. Before each of those explosions there was an accumulation of grievances that had occurred, and then an event sparked it. And we saw this coming because we saw the movement growing. We saw people's anger growing. We saw the issues we had been raising previously -- the need for independent prosecutors, the need for civilian oversight of the police department -- these issues began to move to the center of political discussion in the city. They was no longer marginal issues, because case after case was proving that we were right. The way that information got out was because there was a mass movement. It forced media coverage. It forced politicians to start to deal with some of this. And let's remember that we're dealing with demographic change. The city was changing. We're in a city where the majority are people of color. But that majority doesn't have political power, and that majority is the target of these policing strategies. Inevitably that majority is going to start pushing back and forcing politicians and the media and power brokers to pay attention. Unfortunately it took the deaths of people to really highlight it. The media would lose interest in a case in a day unless the movement was able to sustain itself over a long period of time. Every time we stopped activity, the cases disappeared. That takes extraordinary effort, and if you have to do it for every single case that calls for an extraordinary effort that is almost beyond human capability, especially when you're grieving.

16. Amadou Diallo

The outcry around the Amadou Diallo case was in some ways the culmination of many of the things we had been talking about: the number of shots that were fired; the circumstances, that he was in his house, he wasn't breaking into somebody's house, he was in house. The issue of racial profiling -- they saw a dark face lurking. This was the antithesis, the opposite of community policing. These cops didn't know the community. They didn't know where they were. That proved why you need community policing. The number of shots fired proved why you need oversight. The fact that they thought they were in danger because Amadou Diallo had something in his hand, that really scared people, because what's your natural inclination? You want to show ID. So now people started giving classes to kids to tell them not to go in your pocket when you're stopped. If they ask you for ID tell them, "I'm now going to put my hand in my pocket." I wouldn't do that. I don't train people to live that way. We live in a democracy. We shouldn't have to live with that kind of fear. And it's wrong for young people to have their expectations lowered to the point where when you see a cop you lower your eyes, move out of the way, do everything that they say, don't ask any questions. God forbid you should ask for a license plate number or a badge number. I'm not going to do that. And people got scared. People got scared that a person of color who was in his own building could be gunned down in that manner. And their fear turned into anger and outrage because it was the confirmation of things that people had been seeing and feeling. Then there was the leadership of a movement that got organized and galvanized for a series of protests, including the mass arrests at One Police Plaza, to keep the pressure on. That was unprecedented.

There was an explosion of activity after Amadou Diallo was killed, and there were hearings in the City Council and in Albany. It was on the front page of magazines all over the country. It was on the front page of

the world press. And that attention was welcomed, but it was really bittersweet for all of the families, because every time someone else is killed your child's name goes lower down on list. As the number of people who are killed grows, the one that you loved, the one that you miss at Christmas time, that name goes lower down on the list. On the other hand you celebrate that perhaps some family will get justice and you celebrate that the public is beginning to look at these issues. The things that you've been saying, that your son was denied justice, that there was a cover-up, now perhaps more people will believe it because they see that indeed there is cover-up, that there are these things wrong with how policing is carried out in the city. And, yes, the mayor does play a big role in this and you hope that this will influence people to view your situation differently. So it really is bittersweet; in some ways it's painful for the families. To their credit, they always embrace new families even though every new family means that attention to their case is reduced. I mean it's a real dilemma, and your heart has to go out to them because in truth they have become the moral backbone of the police brutality movement. There's been a significant change in the movement because of the presence of families who refuse to be victims and are actors in their own lives. They're saying, "We are going to have justice for our children and we're never going to stop struggling." Every person who has a child or someone they love out there says, "That's how I would feel if my loved one was taken from me." They're not political activists, they're not operating out of an ideological pre-orientation. They're operating out of love and loss. So it touches everybody, and once they're touched they begin to develop a political perspective about why this tragedy occurred and how to prevent it from occurring again. Because every single family says, "I'm not doing this because it will bring back my child; I'm doing this because I don't want any other family to ever have to go through this."

Among the interesting things that we live with, like these bursts of activity that occurred around Amadou Diallo, is what it does is to advance the starting point of the struggle. It doesn't resolve the struggle, but it advances it. It makes it easier for power brokers, elected officials and policy makers to consider issues they didn't want to consider before because they are risky, such as the need for oversight of the police department. What we saw around Amadou Diallo was significant. It was a flurry, a burst of activity, and we've seen those before. We saw it around the Baez case. We've seen it in extraordinary situations. And what each of those do is that they advance the starting point for the next piece of the struggle. Many of these mass activities force policy makers and elected officials out of their caves. When thousands of people are taking a stand publicly and willing to risk arrest, they're less afraid to take a stand on something that's controversial. It creates a crisis of confidence, but at the same time it emboldens officials who are afraid of public opinion to come forward and say, "This is an issue my constituents are concerned about." It mainstreams these issues. It demands an analysis we have been trying to make public for a long time about the need for institutional change in the police department. It's been a major struggle. There has not been institutional change in the police department. There are still cover-ups. There are still police beatings, but the starting point has been advanced. We have accumulated new knowledge, new experience, new forces, new tactics, new credibility, new mass understanding of the issues. So when you have a beating in California where a kid is choked on videotape and banged up against the car, the reason more people are able to identify with that is because of all of the things that have come before it. So our view is that this is a long struggle, because policing is at the heart of social control in America. And social control becomes more important when a country is in economic crisis and in political crisis. As the economy is less able to provide meaningful labor for its people, social control

becomes more of an option. And we expect to see more of it rather than less. With the dangers of terrorist attack we can expect to see more of it. Our struggle has created another context and a new wealth of information for people to utilize to analyze what government solutions are being proposed. But we still haven't seen institutional change and that's why we can't relax our vigilance. Because while Livoti is in jail, the killers of Anthony Rosario and Hilton Vega are not in jail, the murderer of Anibal Carrasquillo who was shot in the back is not in jail. Frankie Arzuega was shot in the back of the head, and his shooter is not in jail. The list goes on, and the policies that led to those killings have not been repudiated. As a matter of fact they're being replicated around the country. The problem of police brutality and police corruption remains an endemic problem in American society.

So because the movement for justice for Amadou Diallo was a worldwide phenomenon, officers were indicted, but the system still functioned to protect the officers. The trial was moved out of New York City to a conservative section of Albany where the officers were acquitted. We think that the prosecutions of those officers was slipshod. It was not a vigorous prosecution. There were many things that weren't raised in that case that should have been. Part of the reason is that D.A.'s prosecute cops reluctantly because they rely on police officers to make their cases. D.A.'s need cops. Article after article has come out saying you need an independent prosecutor because D.A.'s and cops have a symbiotic relationship. They need each other. As a matter of fact, D.A.'s who have prosecuted cops have been punished by police unions. If you remember way back in the Eleanor Bumpers case [1984], the police union mounted a massive protest at the Bronx court house against the D.A. who was prosecuting the cops who killed that grandmother. There was tremendous pressure with the Diallo case. It was an international case, there were headlines everywhere. His body was flown back to Guyana,

his family came here and were very eloquent. They started to organize, as all the other families have, and they embraced Iris and all the other families. That makes it very powerful. But the fact that the cops don't go to jail, the fact that the system colludes to move the trial to Albany, those are important facts for us to remember because again to get a trial takes an extraordinary effort. We get the trial, and then the trial is moved. So what do people say? They say that the system is rigged. Every time we make an advance the rules of the games are changed. So now the cops don't have to be tried in the city where they work. They can be tried in an area that has different voting patterns, different racial and ethnic patterns. People say, "Yes, the system is rigged to perpetuate itself and the Diallo case is one example of it."

17. Gary (Gidone) Busch

Five months after Amadou Diallo was killed, Gary Busch is shot down in Borough Park, Brooklyn, in a hail of 19 bullets. Witnesses say that he was not close to the officers. Again, another tragedy, another mother forced now to confront the system that has taken her loved one and has closed ranks against her. This is how we understand this. The police department has policies that were put in place after Eleanor Bumpers was killed in the 1980's. They were policies for dealing with "emotionally disturbed people," which is what they classified Gary Busch as. Those policies weren't followed in the Busch case. There was no supervisor there. Again, we say that when you don't educate police officers about what the policy is on a daily basis, this is going to happen. They've got to be reminded on a daily basis what the policy is. Supervision is crucial. The review of shootings is crucial. Cops need to know that when they shoot they're going to be on the hot seat. This is a leadership problem in the police force. When you don't do all of those necessary things, you're going to have Gary Busch.

I think the Gary Busch case is an example of how once you unleash the force of a police department, once the restraints are off and there is no oversight, no making sure officers understand policy, it's going to affect everyone in the society. I think Gary Busch was a victim of that. We believe that the problems that were concentrated at first inside the communities of color are going to seep out and affect white communities as well. It's inevitable because police officers are being unleashed, their power is unchallenged. They're not self regulating because they're being told they don't have to be because the system will cover for them if they make a mistake. So they go into all of these situations with a military point of view. They go in with a sense of, "If I think I'm in danger I'm taking out my gun." There's a saying in the police department, "It's better be judged by twelve than to be buried by six." And what does that say? We have loved ones that are on the job as well in the police department. We work with police officers. We know what the internal life and the culture of the police department is like. It's inevitable, if you unleash police officers and you tell them that they will be supported no matter what, that this is going to spill over into the larger community. Just as heroin was a problem in the minority communities, eventually we knew it was going to seep into the larger society, and indeed it did. And then it became a social problem. Gary Busch is a victim of that. Had there been supervision, had policy around emotionally disturbed people been drummed into the heads of everybody, there would have been no reason for them to mace him when he was down at the bottom of the steps. He was in a contained area. That's the policy on dealing with emotional people. You keep them in a contained area where they can't hurt other people. You don't antagonize them. You look for non-lethal ways of resolving the situation. Unfortunately, there isn't enough emphasis on what the non-lethal ways of resolving confrontational situations are. Nor are police officers trained in how to diffuse confrontations. More often than not they

inflame the confrontation by their words, by their actions, by their body language, by what they actually do.

In 1996 I testified at the Philadelphia City Council. They were discussing adopting Giuliani's zero tolerance policies. I think the significance of the Giuliani-Bratton policing strategy is that it is being adopted for the entire country and is being exported to other parts of the world. So it has significance beyond New York. It is a strategy that I think has not been analyzed properly. It's not a cookie cutter strategy that you can just pick up and apply in Mexico or in California or all over the place, but that's what's being done. It's simplistic. People like simplistic solutions. "All you have to do is to do it this way. Round up the squeegee men. Arrest the homeless people. Start terrorizing the kids. Lower the expectations and lower the mobility of young people so it's harder for them to move around and that's how you control crime." For us that's simplistic because crime continues to go on. The overwhelming majority, something like 95% of the people who are stopped, have nothing to do with anything and the result is actually a lowering of the expectations of communities. You expect to be stopped. People expect their kids to be stopped. That's a crime being committed against people. We're beginning to internalize the abuse of our rights. I work with young people who say, "Oh no, it was just a regular stop-and-frisk. I didn't know they were looking for a burglar. I thought it was a regular stop-and-frisk, a regular rousting." Or, "Five O rolled up on me, they drove the car on the sidewalk on my way to school." Kids live with this. We testified at a congressional hearing in Washington, D.C. A young man from Youth Force in the Bronx testified that he spends his day having four or five situations of contact with police. He says that the kids have to avoid the police in the morning on their way to school. That if they're late for school they have to avoid police because they're outside school after the bell has rung. After they get out of school the police

frequent the areas where kids congregate and they roust them all the time. And the kids know it. It becomes part of their life. That's wrong. That really is wrong. What that does is lower these young people's expectations. They begin to expect this is going to be part of their life. It doesn't have to be.

18. Two Societies, Separate and Unequal

I know that white people don't know this because I once did a segment on "Sixty Minutes" and the question was, "Is there a renaissance in New York City?" The producers of the show were two young women from the Midwest. Somebody referred them to me and we eventually filmed the segment. But during the preparation for it I was telling them many of the same things I'm discussing with you about stop-and-search, street sweeps, the reality of life for kids of color and their families. They said they couldn't believe it, not in their world. But in 1968, after the riots of that era, the Kerner Commission said that we live in two separate societies, one is black and one is white. I would say that we still live in two separate societies and that it's not only race that separates the societies, it's also class. The economy has led to separate societies as well. There's a deepening economic polarization in New York City; we see it all the time. We see the middle class disappearing and the top and the bottom sectors of the economy growing. Those police practices we're talking about are concentrated in sectors of the city that are racially and economically segregated. A great majority of white America will not know those things. One of the reasons racial profiling demands so much attention is because racial profiling affects people of color no matter what economic status they have. It means that you're a target because of your skin color or your language or your accent. So there is no escaping that, no matter what. If you're driving a BMW it's not because you're an economic success, it's because you're a drug dealer. White America doesn't have to understand it, they don't have to live with it.

People of color understand it because they live with it all the time. Even those who are successful, who move out of the ghetto, who move out of the areas that are designated as drug areas are impacted because America's racial history continues. We still live in two separate societies.

I have a friend who's in real estate and who lives out on Long Island. He's got a nice car and he gets stopped all the time. And he's not a hip-hop guy. He doesn't wear sweats and fleeces. This is like a suit and tie Black entrepreneur and he gets stopped all the time. And it happens over and over again. He's lived in the same place for years. Sometimes he gets stopped by the same cops. I mean it's ridiculous. So he has heightened political awareness just for that reason. Economically he doesn't see similarities between himself and poor people because he's struggled to get out of poverty, but he can't escape his skin color in America. It's a reality, as it was for Amadou Diallo. Grappling with this and trying to explain this to people is hard. Trying to understand it for ourselves is hard, because the first thing is that people blame the victim. So first we have to get past the "blame the victim part" and understand the societal context that all of this is operating in.

19. Racial Profiling

Racial profiling is when the only factor, or primary factor, that motivates police intervention is the race of a person. It has to do with the disproportionate application of laws to certain racial groups. So that's where you get sayings like "driving while Black," "walking while Black." It's when everyone of a certain race, nationality, language or group is targeted. They're all potential perpetrators. And because it's illegal, after it's done the cops make up other reasons. They'll say, "Someone Black did this crime and that's why we stopped him."

With Amadou Diallo the way this played out was through the Street Crimes Unit, which was notorious for racial profiling, which was reflected in its stop-and-frisk numbers. Even in communities that had high percentages of whites, they only stopped Blacks and Latinos. It was reflected in the numbers that Attorney General Elliot Spitzer found in his investigation. The cops that shot Amadou Diallo drove into a community that they did not know. They saw a Black face look out of a doorway. To them that was suspicious. There were a variety of factors. Four white cops in a community they don't know, and a Black face. That's suspicious. Let's go check out that Black guy. Because they were looking for a rapist who was Black, but if you know that community 75% of the people are dark skinned Latinos and Blacks. So what that means is that you need more than just skin color to make that person a suspect. They said that the person peered out of the building. Well, he lived in that building. He was looking out. Even if they had been able justify the stop-and-search, they couldn't justify the shooting. But then they said that he reached for something. Since I've been active in this, the "he reached for something" argument has been one of the bedrocks of police cover-ups. "He reached for a shiny object. He made a motion to his waistband. He took something out of his pocket." That's always been one of the major justifications. Professionalism in policing reduces those kinds of arguments. The other reason we know that race plays in this is because these things never happen in white communities. I mean, they're happening more, but you don't hear the frequency of "he reached for something."

Part of racial profiling is the assumption that you're stopping a perpetrator of some kind of crime, which automatically sets into motion your adrenaline and your fear and increases the possibility of something going .These cops always say. "We're scared." I have to tell you, we work with Black and Latino cops as well, and they tell us that if you're afraid

to be in the street you shouldn't be a police officer. That's what your job is. If you're going to go out with fear every single day, don't be a police officer, because the fear is going to trigger responses you don't want. That's one of the reasons the White nature of a police department is a danger when you're policing communities of color, and when you don't live in those cities. If you're not familiar with culture, not familiar with racial patterns, not familiar with geography, all of those things are going to be fear-inducing and adrenaline-inducing and if you operate from the mindset that every Black face is the potential criminal that you're looking for, you've actually set up a situation that is already on the verge of a tragedy. What needs to be done if you want to correct that situation is that you need to be able to look back on it. You need to challenge the things that feed racial profiling. A lot of it has to do with training, and officers need to be trained about what racial profiling is. You need an awareness of the community that you're working in, and a familiarity and a comfort with that community. We talked with cops that have been on the job a long time, cops who have made arrests, cops who have never used their gun but have been on the job for 25 years. Others who have used their gun, but they will tell you, "If you're afraid you can't be a good cop." That's one of the reasons why you need supervisors to ride with these cops. You have four Street Crime Unit cops that meet Amadou Diallo, and not one supervisor, and none of them had been in the Street Crimes Unit more than a year. They're inexperienced, in a community that they don't know, they're all white, almost all of them came from all-white communities. Even those who came from New York came from the most segregated New York communities. All of those set in motion potential tragedy, and Amadou Diallo was the person that it happened to. I think that the public understood that that tragedy could have happened to anybody. It wasn't that Amadou Diallo did anything wrong. It was that he fit the profile of perpetrator, whether or not he was in his own home, whether he had money or he didn't have money, whether he

was college-educated or not college-educated. The cops were operating with a number of triggers in their heads. His skin color was the final trigger that led to that confrontation, and that was part of the tragedy because it could have been anybody. So people looked at it and said, This is what racial profiling is and it's connected to all of these other factors: the lack of training, the lack of supervision, the overwhelmingly white nature of the police department, or rather the fact that police officers come from segregated white communities with very little interchange with other people." *All* of those factors need to be addressed inside the police department. There need to be policies and trainings that address all of that. You can't have scared people with guns on the street because you're going to have tragedies, especially if they've been conditioned to believe that the source of danger is a dark skin. And then they know that if they make a mistake the department is going to back them up because all they have to do is convince people that they were afraid for their lives. Well, four guys with guns, a guy without a gun -- it's hard to justify how everybody was so afraid.

20. The Power of Life or Death

This is about the militarization of the police force, the adopting of harsher policing strategies, the lack of responsibility inside the policing structure and the attack against civilian oversight of the police force. No one is responsible. One of the reasons it's so important to have civilian oversight of the police department is that we give the police the power of life and death. We, the people of the country, give them life and death. We have to make sure that that power is not abused, and that it's used correctly. We have to have oversight. It's one of the most important things. The police department is a paramilitary unit. When you have a police department that is militarized, that almost functions like an occupying army, when you have them operating without any civilian oversight those are the characteristics of dictatorships, of police

state dictatorships. I'm not saying America's a police state. I'm saying those are the characteristics and that the danger of that building in this country is very great.

It's also crucial for the people to have faith in the police. Civilian oversight, which the police department fights tooth and nail, is crucial for that. But I mean *real* civilian oversight. I don't mean a phony civilian review board that's run by police officers, that has a one-percent record of substantiating complaints. I mean something with teeth, with subpoena power, with investigative power. What the Mollen Commission did was exemplary. It was a government agency. It looked at these problems. It got police officers to come forward and admit to corruption. One police officer in the 46th precinct where Anthony Baez was killed, and Rosario and Vega were killed, was called "the mechanic." That was his nickname. They asked him, "Why do they call you the mechanic?" And he said, "Because everyone knew that I used to tune people up." His sergeant called him "the mechanic," the precinct commander knew he was "the mechanic" because he was beating people up. And when they asked him why, he said, "To show them who was boss." When Livoti testified in the federal trial, he said he looked in Anthony's eyes and he didn't lower his eyes and he knew he was going to have to "break him down." And when Louima was tortured in the precinct in Brooklyn, Volpe came out and said "I just broke a man down." So a lot of this is about the mentality of the police officers, the lack of supervision, the lack of accountability, and nobody being held responsible. These are real dangerous things for a country to allow to happen.

When we look at the New York policing model, and we look around the country, one of the things you see is that there were tremendous problems of brutality across the country and of police corruption. The

Mollen Commission was triggered by scandals in the police department in New York. You had rings of cops that were selling drugs and selling guns. They were called “the cocaine cops.” That’s what triggered the Mollen Commission’s investigation. They found eleven or fifteen precincts around the city that were problematic. This was being repeated across the country. And what the Mollen Commission said was, “Where you find corruption you find brutality, the two go hand in hand. Brutal cops and corrupt cops are often the same and the tolerance for corruption is a tolerance for brutality and vice-a-versa.” That the supervisor that turned a blind eye to corruption was going to turn a blind eye to brutality. That was important because these were problems across the country, of both corruption and brutality. Giuliani’s strategy wasn’t about corruption and it wasn’t about brutality either. It was about the communities. What it did was shift attention away from the problems inside the police department to say that the problems were not inside the police department, the problems are in these communities. We have to crack down on them. And that’s exactly what was done. And of course the policing establishment across the country liked that better than looking at systemic institutionalized problems inside the police department. They liked that better because it doesn’t call for real change. Sure, almost every big city has a scandal, so you have the Rampart scandal in L.A., you have the scandal down in New Orleans, you have one in Detroit, there was one in Chicago where they were they were torturing prisoners. They’re willing to give up a few of the more obvious bad cops. But the institutionalized daily brutality and violation of rights, that’s never called into question. And if there’s not a big movement externally even the big cases are swept under the rug. So the Giuliani strategy points all attention to communities and no attention to policing. The one piece of attention that it says is we’re going to pay to policing is that we’re going to use Compstat for computer-tracking and targeting. Compstat is a good management tool, but that’s all it is, it’s a

management tool. It's not a tremendous innovation. Anyone who's done mapping for the census knows that it was a good innovation. Police departments need to come out of the dark ages and get up with new technology. But tracking is only as good as the policing that then follows. What we should be demanding is the professionalization of policing. Just like Compstat is a professionalization of data gathering, we should demand the professionalization of law enforcement. It's not enough to say, "The only clue I need is a skin color and I'll round up every one with that skin color." Could we have some have other factors in the profile as well, like maybe what clothing was being worn? That's why professional law enforcement says that racial profiling is bad policing. It's just bad, unprofessional policing. Across the country this tough policing strategy very frequently masks bad policing.

© 2004 AndersonGold Films, Inc. All Rights Reserved.

**For permission to reproduce all or part of this interview, ,
contact agfilms@bway.net**