

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

January 31, 1973

5:30 P.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler

Absent: None

Mayor Butler announced that this was a Special Meeting called for the purpose of hearing Mr. Gilbert Rivera discuss incidents at the Latin Quarter. He noted the presence of the Human Relations Commission at the request of the Council.

City Attorney Don Butler noted that there was a lawsuit pending which involved the item before the Council, and it would be inappropriate for them to make comments which might affect any jurors or the rights of any parties involved in this litigation. He advised the Council that it would be inappropriate for members to state any conclusions that might affect the lawsuit or to make any statements that might be adverse to the plaintiffs or defendants.

Mr. Gilbert Rivera thanked the Council for this opportunity to present views on this matter, which would be kept as general as possible. He stated that on the evening of January 17 at the Latin Quarter, he was brutally attacked by the City Police. His nose was broken; he was maced; he was beaten twice; he was refused medical attention at the City Jail; and he was illegally held at the City Jail without being given his legal rights. He stated that this was not the only incident involving racism in the Police Department being inflicted upon the Chicano community. He stated that brutality was an almost daily occurrence in the Chicano barrios and black ghettos.

Mrs. Olivia Rivera, mother of Gilbert Rivera, stated that when she called the Jail at 4:00 p.m. on January 17, she had been informed that there was no bondsman and that \$347 cash would be required for her son's bail. The Officer with whom she talked said that they would attend to medical attention for her son. The Riveras borrowed money to raise the bail and took their son to the

Emergency Room where he was X-rayed. They found his nose broken, lacerations and bumps on his face and head, and bruises on his face and body. She believed this was inhumane treatment and stated that police officers had refused him medical attention.

Mr. Jim Burfeind, of the Socialist Workers' Party, felt that this case was more than just a question of law to be decided in the Courts. He believed that the Police were guilty in this case of a Police riot. He stated that this case was not unique and there would be more like it if something was not done. He believed that the question involved was who should control the police going into the Chicano community. He believed that the only police going into the Chicano community should be police paid by and responsible to the Chicano community. He stated that this would be an issue in his Party's campaign for the Council.

Mr. Juan Hipolito stated that the owner of the Latin Quarter was also the owner of a lounge on East Seventh when the same thing had happened to Mr. Hipolito in August of 1971. Mr. Hipolito had been acquitted of the charge for which he was arrested. He asked for positive action concerning such police incidents. Otherwise, a community defense committee would be established.

Mr. Ernesto Fraga, representing the newly-established People's Committee for Justice, stated that he represented people disappointed with the Council's inaction after previous incidents similar to the one in question. He cited the Police shooting of a 15 year-old boy. He feared the trend of Police Officers being used as tools of those in power rather than being protectors of the citizens. He cited biased attitudes of some law-and-order activists, although he believed in law and order, too. The People's Committee for Justice would be an investigative body for any further incidents such as the one in question. He proposed the firing of Police Chief Miles and all officers guilty of mistreatment. He proposed that the Police Chief be elected by the people.

Mr. Arthur Navarro, representing the St. Julia's Community Involvement Committee, believed that there had been an over-reaction by the Police in the incident at the Latin Quarter, and this was only one of several such incidents. He recommended the following:

1. A citizens' committee should be formed to investigate incidents like the one in question. The committee should be composed of a majority of members of minority groups.
2. A standing committee should be established to examine continually the hiring and training procedures for Police Officers, particularly sensitivity training.

He requested a response to the recommendations within three weeks. In response to Mayor Butler's question, Mr. Navarro proposed that the standing committee, as Council appointees, include professional people, such as psychologists. Mayor Butler questioned whether an investigative committee would operate parallel to or replace the Human Relations Commission. Mr. Navarro felt that the Commission lacked adequate powers.

Ms. Amalia Rodriguez, representing the Mexican-American Catholic Alliance, supported the recommendations made by Mr. Navarro and hoped the Council would take them seriously.

Father Lonnie Reyes, Special Assistant to the Bishop in Mexican-American Affairs for the Diocese of Austin, stated that more citizens from East Austin

would come before the Council if they felt that the Council would do something about their grievances. He stated that the police had implanted an atmosphere of fear, tension, and injustice in East Austin. He recommended the formation of a Police-Community Committee, to include two members from the police, two appointed by the City Council, and four from the community. The overall task of this committee would be to investigate, inform, and solve problems in Police-Community relations. He outlined four specific functions:

1. To evaluate hiring policies and procedures of the Police Department and to make recommendations.
2. To evaluate police training and orientation and to make recommendations.
3. To act as a mediator in crisis situations.
4. To develop a program of better public relations between the police and the community.

He requested a response from the Council within three weeks. In response to Mayor Pro Tem Love's question, he stated that the nature of this committee would be different from those proposed by Mr. Navarro. Councilman Friedman asked about the creation of an Internal Affairs Division within the Police Department to investigate their own complaints. He stated that such a system was apparently working out in some other major cities. Father Reyes thought this was a good question to look into. Mayor Pro Tem Love asked how the police and community representatives on the committee would be selected, and Father Reyes believed this could be worked out.

Councilman Dryden believed it would be most effective to establish only one committee. Councilman Handcox suggested incorporating some policemen into the Human Relations Commission to avoid too many committees.

In response to Mayor Pro Tem Love's question, a member of the Human Relations Commission stated that they had heard about three or four cases a month involving the Police Department, a small percentage of their total cases heard. Mr. Reyes believed the scope of the Human Relations Commission was much broader than the specific area in question. Mayor Pro Tem Love questioned the value of adding members of the Police Department to the Human Relations Commission.

Mayor Butler suggested that the two members to be appointed by the Council to the committee proposed by Father Reyes might be two members of the Human Relations Commission, and this committee could serve as an investigative, on-site committee. Father Joe Zanolis knew of cases which were not coming before the Human Relations Commission. Mayor Butler noted that the Council would be in contact with Father Reyes within three weeks concerning his recommendations.

Mr. Gonzalo Barrientos noted the incidents of October, 1971, involving the deaths of two boys which had led to this same issue being discussed before the Council at that time. He stated that he had been asked to arrive at some recommendations for alleviating such incidents. He presented again the recommendations he had offered:

1. A change in the height requirements for policemen.
2. Relax adherence to the high school diploma requirement, relying more on other indicators such as non-biased cadet entrance

exams and other indicators of intelligence, aptitude, and motivation. The Army Alpha Test usually given for cadet entrance was biased in favor of the middle-class Anglo.

He stated that the tests recommended were to modernize and streamline the Police Department. Fairer tests did not mean lower standards.

3. Adding minority group members from the Police ranks and the community to its oral review board for interviewing cadet applicants. Minority group members considered leaders by the Anglo community might not necessarily be considered leaders by the minority group community.

He stated that there had been a pretty fair effort at minority group recruitment in the last couple of years.

4. More intensive psychological examinations should be given to all recruits; and the Department should hire full-time psychiatrists and a counselor to evaluate and re-vamp present testing methods, to serve as a member of the oral review board, and to serve as a member of the board investigating incidents such as shooting incidents.
5. Chicano and black history studies, human relations skills should be added to the curriculum.
6. Leaders of the minority community should be brought into the in-service training programs, with annual seminars particularly involving sensitivity sessions.
7. Performance review should be automatic for any officer involved in two or more shootings or beatings. Lay people should be assigned to the review board investigating such incidents, reflecting the ethnic make-up of the City.
8. Expanding the powers of the Human Relations Commission, such as subpoena powers.

Mr. Barrientos stated that there had been no follow-up on these recommendations. He believed that such action should be taken up at this time. He offered to assist the Council and any other group in drawing up a plan. Mayor Butler noted that a number of these recommendations had already been implemented.

City Manager Davidson stated that the following had been implemented: the reduction of the height requirements, a total renovation of the testing procedures, a renovation of the oral interview questions and procedures. He stated that an average of one Mexican-American policeman per month had been hired during the past six months. Three additional black policemen had been employed during that same period. A Mexican-American Lieutenant, recently promoted, would have the job of improving community relations. There had been improvements in the sensitivity discussions taking place in the Academy classes. Mr. Barrientos believed these steps were excellent and it was time to proceed with the other items.

Mr. Leroy Davis, Field Marshal for We The People, objected to the predominantly white police force in the East Austin area. He cited their

de-humanizing attitudes and unjust treatment of East Austin residents. He stated that there was rarely a police officer to be seen in West Austin, but the streets in East Austin were flooded with police in the evening. Trouble occurred after the arrival of the police. He stated that the system oppressed the poor, while those with power were not harrassed. He stated that the base of We The People was education, informing residents of this oppression. He cited police beatings and shootings.

Mr. Reuben Del Toro, of La Raza Unida Party, stated that the incident at the Latin Quarter was just one such incident which happened daily; and it would continue so along as governmental agencies let it happen. He stated that La Raza Unida supported the community's protest and would work with them to prevent this from happening again.

Ms. Linda Barrientos, representing the Mexican-American Youth Organization, deplored the racist actions taken by the police at the Latin Quarter and would continue to work with the East Austin community for better justice. Mr. Fraga cautioned the Council against appointing any "sell-outs" from the East Austin community to the proposed committee.

Mayor Butler stated that the Council would consider the recommendations presented and would contact some of those who had spoken.

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

Grace Monroe
City Clerk