

NAACP MARCH AND RALLY AGAINST UNFAIR PLEA BARGAININGS AND SENTENCING OF MINORITIES IN THE ANTELOPE
VALLEY COURT HOUSE
SPEECH OF XAVIER FLORES
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In a report titled “Justice on Trial, Racial Disparities in the American Criminal Justice System”, the following statements are made:

“The disparate treatment of minorities in the American Justice system begins at the very first stage of that system: the investigation of suspected criminal activity by law enforcement agents. Police departments disproportionately target minorities as criminal suspects, skewing at the outset the racial composition of the population ultimately charged, convicted and incarcerated. The racial generalizations that inform policing strategies undermine trust in the criminal justice system as a whole and perpetuate a vicious cycle of criminalization.”

Police patrol the streets looking for activity they think is suspicious. They stop cars for traffic violations in the hope of discovering more serious criminality. These tactics involve the exercise of a substantial amount of discretion-the police decide who they consider suspicious, which cars to tail, what conduct warrants further investigation, and which neighborhoods are ripe for enforcement activity.

Unfortunately, that discretion is routinely exercised through the prism of race. The practice of racial profiling- that is, the identification of potential criminal suspects on the basis of skin color or accent-is pervasive.

In a letter from the Assistant Attorney General Thomas E. Perez to Sheriff Leroy Baca, the following statements are made:

“We found that LASD’s Antelope Valley stations have engaged in a pattern or practice of discriminatory and otherwise unlawful searches and seizures, including the use of unreasonable force, in violation of the Fourth Amendment, the Fourteenth Amendment, and Title VI. We found also that deputies assigned to these stations have engaged in a pattern or practice of discrimination against African Americans in violation of the Fair Housing Act.”

“The LASD policies we reviewed were, for the most part, consistent with constitutional policing. However, our investigation showed that these policies are

not consistently followed, and that some types of policy violations are routinely tolerated. This tolerance for misconduct occurs in part because the accountability measures LASD has in place are not effectively implemented in the Antelope Valley. We found that LASD must do more to ensure that deputies adhere to policies, and that supervisors and commanders provide appropriate redirection, guidance, and accountability when errant conduct occurs."

In the case of car confiscations, DOJ found that "... the practice of impounding vehicles whose drivers are unable to produce a valid driver's license has an extreme disparate impact on the African American and Latino population."

They found that in the year 2011, there were 3,811 impounds in Lancaster, which is an average of 10.44 cars per day, a number significantly higher than the 4 cars per day average mentioned by Captain Nelson of the Lancaster Sheriff's Station during a radio show interview with Lilia Galindo of café Con Leche.

More to the point, however, is the fact that 82.6% of confiscations were of cars belonging to African Americans and Latinos. This is a huge problem when one considers that together Latinos and African Americans comprise less than 60% of the total population in Lancaster and less than 60% of the total population served by the Lancaster Sheriff's Station.

DOJ asserted that this disparity was extreme in its impact on our communities and we wholeheartedly agree. The question is, "What do we do to resolve this major problem." The first step we all must take is to acknowledge that the problem exists. The second step is to understand the problem thoroughly. The third step is to design and implement remedial measures. The fourth step is to evaluate the effectiveness of the solution.

The local Sheriff's departments have not been able to take the first step, let alone of any subsequent steps. They do not understand what they are doing wrong and consequently have been unable to take remedial action.

It is our intent that, as we move the issue of justice in the courts of AV, we simultaneously move the issue of justice in the streets of AV. As previously stated, it is at the street level where all of this injustice begins. As a result, we will want to

give the Los Angeles District Attorney and the heads of this Court House the opportunity to address our concerns and move swiftly and deliberately to rectify the issues associated with harsh disparate plea-bargaining and sentencing of minorities. At the same time we will attempt once more to work with the local Sheriff's leadership to address the issues of racial profiling at the first point of contact, the streets.

However, please know that if we do not receive redress on these issues, if we perceive that there is neither the will or the ability of the district attorney, the heads of the court house or the Sheriff's departments to rectify these injustices, AV-LULAC will assert itself and move the issue beyond the local sphere and, once again, call upon the U. S. Department of Justice to bring remedy to this situation. We pray that will not be necessary.