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Pursuant to Senate Resolution 36

Senate Committee on Industrial Relations

Senate Committee on Health and Human Services

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CALIFORNIA LEGISLATURE
JOINT HEARING
SENATE COMMITTEE ON
INDUSTRIAL RELATIONS
SENATOR BILL GREENE, CHAIRMAN

AND

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES
SENATOR DIANE WATSON, CHAIRMAN

PURSUANT TO SENATE RESOLUTION 36

JAMES HALL, METROPOLITAN HOSPITAL
11400 SOUTH NORWALK BOULEVARD
NORWALK, CALIFORNIA

MONDAY, JULY 21, 1986
10:15 a.m.

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JOINT HEARING

SENATE COMMITTEE ON INDUSTRIAL RELATIONS

AND

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

STATE OF CALIFORNIA

PURSUANT TO SENATE RESOLUTION 36

JAMES HALL, METROPOLITAN HOSPITAL

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Reported by:

Evelyn Mizak
Shorthand Reporter

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28APPEARANCESMEMBERS PRESENT

SENATOR BILL GREENE, Chairman

SENATOR HERSCHEL ROSENTHAL

SENATOR ED ROYCE

SENATOR PAUL CARPENTER

STAFF PRESENT

NEIL BURRASTON, Consultant, Senate Industrial Relations

JAMES LOTT, Staff Director, Senate Health & Human Services

DIANE PETERS, Committee Secretary, Senate Industrial Relations

EVELYN MIZAK, Court Reporter

ERIC DAIR, Senate Sergeant-at-Arms

LEROY BEDFORD, Senate Sergeant-at-Arms

ALSO PRESENTJOHN TANNER, CSEA
Southern Area ManagerRICK FUNDERBURY, CSEA
Southeast Area ManagerJOE VIROTA
Service Employees International UnionREDA GOMEZ, Employee
Metropolitan State HospitalJIM THOMAS, R.N.
Metropolitan State HospitalRALPH PORTUGAL, Employee
Metropolitan State HospitalMARK DE BOER, CSEA
Attorney at LawPATTY CLAIR, Peace Officer
Metropolitan State Hospital

APPEARANCES (Continued)

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LINDA VANNOY, Peace Officer
Metropolitan State Hospital

GEORGE SIELA, Hospital Administrator
Metropolitan State Hospital

DON Z. MILLER, Executive Director
Metropolitan State Hospital

RUBY LEE FOSTER, Employee
Metropolitan State Hospital

LINDA ASHER, Peace Officer
Metropolitan State Hospital

FRED BAISELY, Employee
Metropolitan State Hospital

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P R O C E E D I N G S

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3 CHAIRMAN GREENE: Let me ask, do we have a complete list
4 of witnesses who wish to testify? Would you please bring that
5 list forward.

6 Good morning. Let me apologize very sincerely to you
7 for coming in late.

8 Let me identify the Members of the Senate Industrial
9 Relations Committee who are here. On my left, a very fine Member
10 of our Committee from the Republican Party, one of the persons
11 that contributes to balanced decisions coming out of this
12 Committee, a fine gentleman to work with and a fine
13 representative of his constituency, Mr. Ed Royce.

14 And on my right a gentleman that I've not only known a
15 long time in the Legislature but in politics. I sometimes tease
16 him, he was a part of my beginning many, many years ago, and I
17 won't mention how many, in politics; he's been a stalwart in the
18 Democratic Party, a stalwart in the Legislature, respected by
19 all, another gentleman who you frequently find bridging the gap
20 of Democrats and Republicans and coming forward with legislation
21 which is supported by many elements; a very honorable gentleman
22 and a gentleman that is busy every day, the Honorable Herschel
23 Rosenthal.

24 We have with us from the Senate Committee on Health the
25 Staff Chief Consultant from that committee. On my left is the
26 Consultant of the Industrial Relations Committee, and we have our
27 Committee Secretary with us, and we happen to have two of our
28 fine Sergeants with us.

1 With all of that introduction, let me indicate, Mr.
2 Burraston has just advised me that the transcript of this
3 hearing, that PERB would also be interested in having that
4 transcript. Let me indicate to any and all that this transcript
5 will be available to all who might wish to have a copy of it. If
6 there are outside parties, we can attach our small costs. For
7 those who are part of governmental agencies, that will by course
8 of action be made available to you or anyone else who wishes to
9 have an accurate understanding of these proceedings.

10 With that, let me follow our agenda as we have it and
11 call first Mr. John Tanner, who is CSEA's Southern Area Manager,
12 and also to be followed by Mr. Rick Funderburg, who is the CSEA
13 Southeast Area Manager.

14 Mr. Tanner, thank you very much. Welcome, and my
15 apologies to you as the first witness for our tardiness.

16 MR. TANNER: I am the CSEA Southern Area Manager and am
17 responsible for, along with Rick Funderburg, for organizing the
18 demonstration on March 3rd of this year.

19 On that morning we began with picketing at the Main Gate
20 and --

21 CHAIRMAN GREENE: May I ask you just to lay the
22 foundation. Indicate the factors and the reasons for the
23 demonstration, and then proceed from there so that we have a
24 foundation of it in the record from the very beginning.

25 MR. TANNER: Okay.

26 CSEA had organized the informational picketing to show
27 our position opposing contracting out of civil service positions
28

1 in the State Hospitals. And we had been meeting with employees
2 affected at all the State Hospitals around California, and at the
3 various hospitals we had worked with the employees to demonstrate
4 to the administration our opposition to the proposal by the
5 administration to contract out particularly the positions in the
6 laundry, food service, and the janitorial services.

7 On this particular day, we had scheduled a
8 demonstration. It coincided with the planned attendance of
9 Governor Deukmejian at Metropolitan State Hospital to dedicate a
10 cogenerating plant.

11 So, we had scheduled the demonstration and the picketing
12 to coincide with employees' lunch hours. So it began at 11:00
13 o'clock that morning.

14 We had picketing going at both of the gates.
15 Metropolitan Hospital essentially has two entrances and exits:
16 the front entrance and the back entrance. The larger of our
17 group was at the front entrance, and we had a smaller group
18 picketing at the back entrance.

19 After about 45 minutes --

20 CHAIRMAN GREENE: Let me interrupt you.

21 When you say "larger", approximately how many people are
22 you talking about?

23 MR. TANNER: Say at the time, we had about 30-40 at the
24 front gate, and 15 or 20 at the back gate.

25 CHAIRMAN GREENE: Thank you. Proceed.

26 MR. TANNER: After about 45 minutes of -- of picketing,
27 we decided to move the group from the front gate so that we would
28

1 have a joint picketing at the back gate. We had heard that
2 Governor Deukmejian would be arriving through the back gate of
3 the Hospital, and so we began to make plans to move the picketers
4 to the back gate.

5 It was at that time that I was informed by Sergeant
6 Salas of the Metro Police that we would not be permitted to walk
7 through the grounds of the Hospital with our picket signs.

8 CHAIRMAN GREENE: When you say "Metro Police", do you
9 mean Norwalk or --

10 MR. TANNER: Metropolitan Hospital Police.

11 CHAIRMAN GREENE: Go ahead.

12 MR. TANNER: So, we complied with that requirement by
13 the Metropolitan Hospital Police. We collected all of the picket
14 signs and put them in a van. The van drove around the grounds to
15 the back gate and took the signs there.

16 The picketers walked through the grounds, which is a
17 much shorter route, and reassembled at the back gate, collected
18 the signs up, and resumed picketing.

19 We had been there for I'd say 20-30 minutes, again
20 conducting an orderly picketing. A film crew from a Los Angeles
21 television station had just concluded filming the picketing at
22 the back gate when Sergeant Salas pulled up in a Metro police
23 car, got out of the car, and began closing one of the gates.

24 These are large, high, hinged gates on each side that
25 swing in towards the middle, and are secured in the middle of the
26 entrance way.

27
28

1 So, he got out of the car and began closing one of the
2 gates, and then began to close the second gate, and picketers
3 became concerned, asking why the gates were being closed.

4 At the same time employees were worried about being
5 locked out of the Hospital, which would require them to walk all
6 the way around the secured grounds of the Hospital back to the
7 front entrance, and then through the front entrance to whatever
8 work location they were assigned to in order to return to their
9 job. And there was concern that they would be late returning to
10 work if so required to do so.

11 CHAIRMAN GREENE: Did you inquire as to why the gates
12 were being closed? To whom did you address this question, or do
13 you know to whom you addressed the question?

14 MR. TANNER: I didn't address that question that
15 morning. I was towards the end of the picket line when this
16 happened.

17 CHAIRMAN GREENE: Do you know who it was addressed to,
18 or was it one just asked in general? Was it a question asked in
19 general, or was it addressed to one or several of the officers?

20 MR. TANNER: I'm sure many of the picketers, and we'll
21 have testimony on that later to that fact, asked why the gates
22 were being closed.

23 CHAIRMAN GREENE: But I'm trying to get an understanding
24 in my mind if it was just a general question that was asked of
25 any of several officers that were there.

26 MR. TANNER: It would have been asked of Sergeant Salas.
27
28

1 CHAIRMAN GREENE: So it was asked of Sergeant Salas, all
2 right. Go ahead.

3 I'm sorry, I don't mean to interrupt you, but I'm trying
4 to get certain basic factors fixed in my mind as listen to you.

5 MR. TANNER: Okay.

6 So at this point, many of the employees tried to get
7 through the gates to get on the inside of the grounds because it
8 was apparent the gates were going to be closed, and they wanted
9 to avoid the lengthy walk around the Hospital grounds. And
10 considerable confusion resulted at that point. Some of the
11 employee -- virtually all of the employees involved in the
12 demonstration that day carried a picket sign. So as the gap in
13 the gates narrowed, bottle necks developed with people trying to
14 squeeze through that opening back into the Hospital grounds.

15 Some of the employees who had been at the front gate and
16 had come to the back gate to picket knew that they could not go
17 into the grounds with their picket signs, so they were stopping
18 to set their picket signs down before going in the gate. Other
19 employees who had been at the back gate didn't know about the
20 requirement to not enter the grounds with the picket signs, were
21 trying to get through the gate with their picket signs, and a
22 real bottle neck developed there, and a mass of people were in
23 that opening and the gates couldn't be closed.

24 At this point I went -- got through the gate along with
25 some of the other employees and went and spoke with Sergeant
26 Salas, told him that in my judgment the picketers were getting
27 angry; asked why the gates were being closed; and offered that if
28

1 there was some problem with the picketing, that as one of the
2 organizers of the demonstration I could help in resolving that
3 problem.

4 He responded that he -- he had been looking for me and
5 couldn't find me. I told him I was pretty easy to spot in a
6 crowd; I tend to stand out, and that I thought the situation was
7 getting out of hand and cautioned him against continuing his
8 course of action.

9 Prior to this, an effort had been made by the police to
10 close the gates with a vehicle, where an officer had gotten in
11 one of the State Hospital police vehicles and tried to physically
12 close the gate by pushing it with the car.

13 CHAIRMAN GREENE: Do you know the identity of that
14 officer?

15 MR. TANNER: Initially it was down by a -- a woman
16 officer whose identity I don't know. At one point after that,
17 Sergeant Salas went to the door of the car, opened it, she got
18 out, he got in, and he then tried to close the gate with the
19 State car.

20 CHAIRMAN GREENE: You have not been able to find out the
21 name of the officer since the incident?

22 MR. TANNER: I believe one of our --

23 CHAIRMAN GREENE: Do you have a witness who will testify
24 to --

25 MR. TANNER: -- witnesses may know the name of the
26 officer.

27 CHAIRMAN GREENE: All right.
28

1 Now you said there were several officers. Was the
2 female officer, was she the only other officer to get in an
3 automobile and attempt to ram the gate?

4 MR. TANNER: She was the only other officer that I saw,
5 yes.

6 CHAIRMAN GREENE: Other than Sergeant Salas?

7 MR. TANNER: That's correct.

8 CHAIRMAN GREENE: Proceed.

9 Let me interrupt for just a moment and introduce the
10 gentleman who is responsible for bringing this to our attention
11 and setting this hearing here on this issue today. We were aware
12 of it, but Senator Carpenter insisted that we give it immediate
13 attention, and I think you need to know that. Another very fine
14 Member of the California Senate who certainly has provided
15 leadership for a considerable period of time. He served as our
16 Caucus Chairman, served in other positions within our caucus, and
17 well-respected in our body; another gentleman -- in fact, I think
18 we all end up at some point in time being involved with some kind
19 of legislative effort which crosses party lines, and I generally
20 refer to that to show persons that we don't stay in one groove
21 all the time. A gentleman who we certainly hope will be assuming
22 statewide office, the Honorable Paul Carpenter.

23 SENATOR CARPENTER: Thank you.

24 CHAIRMAN GREENE: My apologies. Please proceed.

25 MR. TANNER: While I was speaking with Sergeant Salas,
26 he looked over towards the grassy area to the side of the
27 driveway and pointed to a fellow that I now know is named Chol
28 Soo Lee, who was wearing a red shirt at the time.

1 CHAIRMAN GREENE: What was that name again?

2 MR. TANNER: Chol Soo Lee: C-h-o-l, S-o-o, L-e-e.

3 And Chol Soo I had witnessed being one of the
4 demonstrators caught in front of the car when it was being used
5 to try to close the gate. The car caught several demonstrators
6 in front of it between the car and the gate itself.

7 CHAIRMAN GREENE: Mr. Lee is an employee?

8 MR. TANNER: Mr. Lee is a union staff member.

9 CHAIRMAN GREENE: All right.

10 MR. TANNER: He pointed Chol Soo Lee out, said: I'm
11 going to get him. Turned away from me and began to move away
12 from me, and along with some of the other officers converged on
13 Mr. Lee.

14 Now, this is the point that I'm testifying to. We have
15 many people who'd like to testify. In order to avoid some
16 repetition others have asked to resume testimony from this point
17 on.

18 CHAIRMAN GREENE: Mr. Tanner, you and your membership
19 can proceed if you wish. Mr. Funderburg will be next; is that
20 correct?

21 MR. TANNER: Uh-huh.

22 CHAIRMAN GREENE: Are there any questions of this
23 witness before he sits down?

24 Thank you very much, Mr. Tanner.

25 Mr. Funderburg, CSEA, Southeast Area Manager.

26 Mr. Funderburg, welcome.

27 MR. FUNDERBURG: Thank you, Senator Greene.

28

1 My name is Richard Funderburg. I am employed as the
2 California State Employees' Association's Southeast Area Manager.
3 Our office is located over in Fullerton.

4 I might offer a little apology. I will try to go
5 through this as much as possible. I just got out of the hospital
6 not long ago, and I'm kind of under some medications, so I hope
7 you will be with me as I go through the events that I know of
8 that happened on that day.

9 CHAIRMAN GREENE: I can assure you we understand, and we
10 will try to make it as comfortable as possible for you.

11 MR. FUNDERBURG: As Mr. Tanner, the Southern Area
12 Manager for the California State Employees' Association, pointed
13 out, with him and myself we were in control of the demonstration.
14 And at all times we were in a position to know what was going on
15 in the demonstrations.

16 On March 3rd, I arrived at Metropolitan State Hospital
17 at approximately 10:15 to participate in the informational
18 picketing demonstration which was organized by the union to
19 demonstrate to the Governor that the employees here at
20 Metropolitan State Hospital were upset with proposed contracting
21 out of their jobs. And the Governor was to speak at a dedication
22 ceremony at a cogeneration plant.

23 At 10:35, I had -- first of all, I had assigned two of
24 my staff members to pick up some employees that were from
25 Latterman State Hospital and also Fairview State Hospital, and
26 they were brought to Metro within a CSEA van. And I was waiting
27 for their arrival at 10:35.
28

1 On their arrival, I took approximately 15 people to set
2 up informational picketing at the back gate to Metropolitan State
3 Hospital, which is located on Bloomfield Avenue. This is
4 approximately a half mile through the Hospital grounds from the
5 front entrance to the back entrance.

6 We established picket lines in an orderly fashion.
7 There was no blocking of traffic. In fact, the employees were
8 given instructions specifically not to block the traffic, but it
9 was informational for the Governor to know and to redress their
10 grievances to the Governor.

11 At approximately 11 a.m. I left that scene and come on
12 over to the front gate first of all to check to see if the
13 Governor had come through. We didn't know whether he might have
14 gone through the front gate. And I went to the ground breaking
15 ceremonies, noticed he hadn't arrived, so I went on through to
16 the front gate and talked to John Tanner. Between the discussion
17 with John Tanner, we decided the best mode, since it was a direct
18 shot to the temporary stands where they had set up the
19 demonstration, that the Governor more than likely would come
20 through the back gate.

21 At that time we decided that we would move the entire
22 demonstration to the back gate on Bloomfield Avenue. But before
23 doing so, I personally went to Sergeant Salas, who was standing
24 out in front, and got his permission to -- if our people could
25 walk through the Hospital grounds to the back gate, because it's
26 approximately two miles, maybe in excess of two miles, to walk
27 around the entire Hospital to get to the back gate.
28

1 Sergeant Salas specifically gave me these instructions.
2 He said, "We have no problems with you going through the Hospital
3 grounds as long as you do not carry picket signs."

4 At that time John Tanner and I gave our people
5 instructions to lay their picket signs down on the public
6 sidewalk, at which we had Jim Conner in the van. He had one of
7 these -- I forget what they call these Chevrolets -- kind of
8 truck-cars -- to put the picket signs in his truck and to
9 transport them to the back gate.

10 The employees when through, not in a mass but small
11 little groups -- there was no demonstration -- and walked very
12 peacefully, and pretty unnoticeably, through the Hospital grounds
13 to the back gate.

14 When I got back there, we established the picket signs
15 again and handed out the picket signs, and the crew, the
16 television crew from KABC, Channel 7, showed up, and they filmed
17 the peaceful informational demonstration.

18 Once the television crew had left, the demonstration was
19 just about over, and I started picking up some of the extra signs
20 that were sitting outside the Hospital grounds and putting them
21 back in the van and heard a commotion. By the time I went over
22 to the commotion, I saw one woman stuck between a gate with a
23 police officer, a female police officer, pushing on the gate and
24 the woman was yelling, "I got to get back to work." And she was
25 screaming, "You got me stuck," and kept pushing the gate. Others
26 started trying, on the other side, trying the pull the gate open
27 to let the woman through. She kept yelling, "Why are you doing
28

1 this; why are you shutting the gates?" One of the officers said,
2 "You're blocking traffic" -- there was no traffic -- and wouldn't
3 let the employees through. They said, "We gotta get back to
4 work. The demonstration's over, we gotta get back to work."

5 I saw Sergeant Salas in a white police emergency vehicle
6 get into the police emergency vehicle, start it, and start
7 hitting the front bumper of the car into the crowd. And at one
8 point I saw him hit or pin one of the women between the gates and
9 the bumper of the car.

10 CHAIRMAN GREENE: Do you know the identity of that
11 woman?

12 MR. FUNDERBURG: No, I do not. I think she is a witness
13 here, though. She has some injuries, and I don't know if she's a
14 witness, but I don't know the woman's name.

15 I at that time was standing in front of the vehicle, and
16 I yelled at the Sergeant. I said, "Hey, you're hitting people."
17 And he made some comment, yelling out, "They didn't belong there
18 in the first place." And then another police officer, who was
19 later identified as Linda Asher, came up to me and told me to
20 shut up and shoved me, and then ran over and grabbed ahold of a
21 fellow by the name of Chol Soo Lee, who was in a red T-shirt, who
22 was later identified to be with our international union.

23 CHAIRMAN GREENE: When you say the Sergeant was hitting
24 the individuals with the vehicle, was he actually touching,
25 striking them --

26 MR. FUNDERBURG: Yes.
27
28

1 CHAIRMAN GREENE: -- with the vehicle, or was he putting
2 the pressure of the vehicle against the gate?

3 MR. FUNDERBURG: No, he was -- he was striking. In this
4 particular case he was striking the people with the vehicle, and
5 that's what caused me to yell out. I don't know whether it was
6 intentional, whether he knew he was doing it or not, but he was
7 doing it, and I tried to yell at him. And like I say, this other
8 security officer came up and told me shut up, and shoved me, and
9 went over and grabbed ahold of Chol Soo Lee.

10 Now, when I came --

11 CHAIRMAN GREENE: You said the other officer was Linda
12 Asher?

13 MR. FUNDERBURG: Linda Asher. That's who she was
14 identified as.

15 When I first came on the scene, I do know that Chol Soo
16 Lee was standing over to the left gate looking into the Hospital
17 compound, and he was saying -- had verbal comments that weren't
18 exactly the kind that I would be able to say here, but I also
19 understand later on that he was also hit by the car, the vehicle,
20 and he was yelling out at them because -- in protest, verbal
21 protest that they had hit him with their car.

22 At the time that I finally recoiled from being hit, I
23 looked up and I saw Mr. Tanner and Sergeant Salas talking over to
24 the right, and I went over there to talk to Sergeant Salas also
25 to see what we could do because the matter was getting out of
26 hand. And the police, another female officer, came up to me and
27 told me to stop right there, and I tried to explain to her that I
28

1 was the manager for CSEA, the one who was in charge of the
2 demonstration, and that I'd like to talk to Sergeant Salas
3 because this thing's getting out of hand. And she says, "He's
4 talking to that other gentleman. You shut up and get out of
5 there."

6 At that time, I called over to Chol Soo Lee to try to
7 get our group together, and I had asked them to come over to a
8 grassy knoll. It was the only place that was in the area to try
9 to get the demonstrators away from the police because it was very
10 obvious that there was total loss of control, and that the only
11 way that we could possibly get any -- any peace was to try to
12 separate the two groups.

13 Chol Soo Lee cooperated. He went over to the grassy
14 knoll along with the other demonstrators. And I kept trying to
15 tell them to calm down, to keep quiet, that this is the way. And
16 then all of a sudden another female officer, a Black female
17 officer, came over, grabbed ahold of Chol Soo Lee again, and
18 aggravated the situation. And Sergeant Salas came over and
19 tackled him, and before too long they had two female police
20 officers and Sergeant Salas on top of Chol Soo Lee, wrestling him
21 to the ground in almost an all -- they call it a pile up, I guess
22 is about the best way that I could suggest it.

23 CHAIRMAN GREENE: Do you know the name of the Black
24 police officer?

25 MR. FUNDERBURG: No, I do now know her name. Very small
26 framed police officer.

27 CHAIRMAN GREENE: All right. Go ahead.
28

1 MR. FUNDERBURG: Later on, I looked over, and in the
2 process another police officer came there and was pulling on the
3 crowd, another female police officer. And I did notice that she
4 was pulling one one of the other police officers, not at Chol Soo
5 Lee, and somewhere along the line Chol Soo Lee was -- he was
6 flopping all over the place, and he did get out from under their
7 control and went out the gate.

8 Later on, finally I tried to go over to Sergeant Salas
9 and ask him to call in the Los Angeles Sheriff's Department. I
10 couldn't get anywhere with that. I even went at one point of
11 calling the Sheriff's Department myself to try to get help
12 because it was obvious that these people were not experienced on
13 handling riot control.

14 The Sheriff's Department refused to come into it because
15 they felt that they were not involved -- invited by the -- the
16 police department, and therefore they wouldn't get involved at
17 that time.

18 Later on, Mr. Chol Soo Lee went down the street, down
19 Bloomfield Avenue, and I got a report back from one of my staff
20 persons, Mr. Jim Conner, that they had knocked Mr. Chol Soo Lee
21 down in the middle of Bloomfield Avenue near the intersection of
22 Imperial Avenue, and had handcuffed him and put him under arrest.
23 And as they were putting him in the car, they had kicked him
24 while he was being placed in the vehicle.

25 At that time our people -- the gates were totally by
26 that time dissipated. They were opened, and people had gone back
27 to work, the ones that were to go back to work. And I had walked
28

1 through the Hospital grounds to pick up my car, which was in the
2 front of the Hospital grounds at the time.

3 when I went to go for my car, I noticed that the police
4 car was -- a patrol car -- was parked clear to the right of the
5 front -- front parking lot, and I heard some noise coming from it
6 like someone was screaming. And I walked over to that vehicle,
7 and there was two peace officers, Hospital security officers,
8 there, the Black female police officer and another female police
9 officer. And she looked up at me, and I asked, "What's going
10 on?"

11 I at that time noticed that Chol Soo Lee was in the back
12 seat, and he was yelling. And she says, "I had nothing to do
13 with this. I don't know anything about it." And the Black peace
14 officer jumped into the car and then they sped away.

15 I then decided that I had better go and see whether we
16 could get together with the local Hospital administration. As I
17 was walking to Don Z. Miller --

18 CHAIRMAN GREENE: May I interrupt you and ask you what,
19 if anything, did you notice in relationship to Mr. Chol Soo Lee
20 to indicate he was yelling and screaming? Did you have an
21 occasion or an opportunity to observe him?

22 MR. FUNDERBURG: I walked over there, and he was -- he
23 looked like he was in pain. He had -- his hands were behind his
24 -- his back, and the peace officer was over him. And I don't
25 know exactly what was --

26 CHAIRMAN GREENE: Were his hands free or --

27 MR. FUNDERBURG: No, they were -- they were obviously --
28

1 CHAIRMAN GREENE: Were they handcuffed?

2 MR. FUNDERBURG: -- handcuffed, yes, behind the back.

3 CHAIRMAN GREENE: You say "obviously," but you do not
4 know for a certainty, do you?

5 MR. FUNDERBURG: No, no.

6 CHAIRMAN GREENE: It appeared that --

7 MR. FUNDERBURG: I should say it appeared, because I
8 couldn't see the handcuffs, but his hands were -- I can't get my
9 hands back there, but tucked behind him, and like he was in very
10 discomfort.

11 CHAIRMAN GREENE: All right.

12 MR. FUNDERBURG: And I might say that I read one of the
13 other statements and that they made a comment that -- by one of
14 the officers -- that his handcuffs were on too tight, so I don't
15 know whether that's what they were doing at that time. I never
16 talked to Chol Soo Lee on it.

17 But anyhow, I did go to the administration, and on the
18 way to the administration I saw our statewide president, Leo
19 Mayer, who was there. And I asked Leo where he was going. He
20 said, "I'm going to go over to the administration because
21 something's got to be done about this." And I said, "That's
22 where I'm heading, Leo." And at the time I called one of our
23 other staff persons, Mr. Hank Dodson, to come with us, and we
24 went in there to try to discuss the situation before another
25 error was made. They were going to arrest Chol Soo Lee, and
26 tried to get the Hospital administration to understand that --
27 the circumstances and the reasons behind why this -- this problem
28 existed.

1 When we went in, I first asked for the Hospital
2 administrator, and he was out. Then I asked for Don Z. Miller,
3 the Hospital Executive Officer, and he says, "Well, he's out
4 also." And I asked, "Well, who would we talk to? We would like
5 to discuss this situation with somebody here at the Hospital."
6 And the secretary to Don Z. Miller said, "Well, Mr. Miller has a
7 beeper and we can get ahold of him if you need to." And I said,
8 "We'd appreciate it if you would. We feel it's serious enough."

9 And about ten minutes later a woman came into the office
10 and made it very clear to us she had no authority, but advised us
11 that Don Z. Miller was too busy having lunch at the time, and
12 that if we would convey our feelings to her, she would convey
13 them to Don Z. Miller. That we could discuss the problem with
14 her, and she made it very clear she had no authority to make any
15 decisions. We couldn't do anything in the meantime. They had
16 taken Chol Soo Lee down to the Sheriff's Department and had
17 apparently booked him.

18 At no time -- I was pretty much there at all times with
19 the exception of a few minutes when I was putting the picket
20 signs away at the beginning of the confrontation, but at the time
21 I came there from the time I heard Mr. Chol Soo Lee at the back
22 gate making statements, and seeing the woman hit Lee with the
23 vehicle, there was never, never, never once did the police
24 officer ever tell the crowd to disperse. They never told in my
25 presence, and I was very close to Chol Soo Lee, I never once
26 heard them ever say that he was under arrest.

27

28

1 And we did make numerous attempts, I know myself
2 personally, to get together with Sergeant Salas to find out why
3 the actions happened as they were, and I was stopped at one time,
4 and at no time was I ever told, from the time that Sergeant Salas
5 gave us permission to walk through the Hospital grounds without
6 picket signs, were we ever -- was that permission ever revoked as
7 far as entering back into the Hospital grounds.

8 That is pretty much the involvement that I had in the --
9 in the situation. There is a couple other things that I wanted
10 to kind of touch bases on. One, I know I don't want to get
11 repetitious here, but I do feel that, on reemphasizing the fact
12 that we did have permission to go on the Hospital grounds by the
13 Sergeant Salas. I got it personally from him.

14 Two is the fact that the administration of Metropolitan
15 State Hospital was -- was so unconcerned with what happened that
16 they wouldn't even give us even our statewide president the
17 opportunity to discuss the matter with him to try to resolve the
18 problem.

19 And thirdly is that I think and I would hope that and
20 I'm sure the Senate Committee here today would look into the
21 possibilities of why and trying to find and determine exactly
22 what the environment and the atmosphere that occurred that caused
23 this to happen. As far as the problems of the people that have
24 been arrested or are charged, that belongs to our judicial
25 system, and we recognize that. That'll be resolved by our
26 judicial system.

27
28

1 But it seems to me that we do have an administrative
2 problem and an environment where these State peace officers here
3 at Metropolitan State Hospital were working in that caused this
4 situation to exist. We don't know whether it was their way of
5 recruiting these people, or whether it's a lack of training, but
6 there was definitely one thing. There was a reaction, an over
7 reaction to the crowd, and the crowd did get out of hand.

8 We would hope that through this hearing that some
9 recommendations by the Senate can be had so that the State -- the
10 liability of the State as well as the people are protected to
11 ensure that we get the best of protection in such circumstances
12 that may exist in the future.

13 Thank you very much, Senators. Are there any questions?

14 CHAIRMAN GREENE: Thank you. A few questions.

15 The officers. Do you know the officers to be new, or
16 would you have any way of knowing whether or not they have been
17 assigned to this facility for any period of time? Would you have
18 any way of knowing that, or would you have any occasion to know?

19 You're not assigned to this facility; is that correct?

20 MR. FUNDERBURG: No, I am -- you're talking about the
21 State police officers?

22 CHAIRMAN GREENE: Right, those were the ones who were a
23 part of the action until such time as they turned the persons who
24 were arrested over to the, I guess it was to the County Sheriff
25 or the local police department.

26 Am I correct? Your Metropolitan Hospital Police --

27 MR. FUNDERBURG: Yes, uh-huh.
28

1 CHAIRMAN GREENE: They have to turn them over to --

2 MR. FUNDERBURG: The Sheriff.

3 CHAIRMAN GREENE: -- the Sheriff, correct?

4 MR. FUNDERBURG: Well, this was what my thought was;
5 however, when I went down later on, after we tried to talk to Mr.
6 Miller, I went later on down to the Los Angeles County Sheriff's
7 Substation in Norwalk.

8 First of all, they wouldn't tell us. We tried to find
9 out where they were going to take Chol Soo Lee, and there was
10 absolutely no cooperation by the State police there. And when I
11 finally went down to the Police Department, I did talk to the
12 Sheriff. When I talked to him on the telephone, I called twice,
13 and I'm sure those calls have been recorded by the Sheriff's
14 Department. I wanted to ask them to come out, and they couldn't
15 because they had not been invited out.

16 And secondly, that they didn't want to get involved.
17 They don't like getting involved in those -- those type of
18 situations, and since they hadn't again been invited to be
19 involved, that they did not make the booking. That's according
20 to the lieutenant down there. He said that they told us that the
21 L.A. County Sheriff's Department would not make the booking.
22 They didn't want to get involved. That the booking was made by
23 Sergeant Salas at Norwalk. They only maintain the holding cell.

24 CHAIRMAN GREENE: Where was Mr. Lee and any others,
25 where were they incarcerated?

26 MR. FUNDERBURG: Well, they were first incarcerated --
27 held here in a vehicle, and then taken to the Los Angeles County
28

1 Sheriff's Substation in Norwalk, which incidentally, we attempted
2 at that time to file a complaint against Metropolitan for the
3 manner in which the police handled themselves with the Los
4 Angeles County Sheriff's Department, and they absolutely refused
5 to accept our complaint. And we had no -- no avenue of justice
6 at all.

7 The Department immediately conducted an investigation,
8 an in-house investigation with their own investigators. And as a
9 result of that investigation, they have charged several people
10 with interfering with the -- with the duties of a peace officer,
11 but the investigation couldn't have been all that -- that
12 conclusive. For one example, Mr. John Tanner, Southern Area
13 Manger, and myself, who were the two principles, were never,
14 never, never asked to even be interviewed by the investigators.
15 And how in the world -- if you're in charge of the investigation,
16 you'd like that would be one of the key factors that they would
17 want to find out.

18 CHAIRMAN GREENE: Were you charged?

19 MR. FUNDERBURG: No, I was not charged. I wasn't
20 charged at all.

21 CHAIRMAN GREENE: Questions from the Members? Senator
22 Carpenter.

23 SENATOR CARPENTER: How many members did you have on the
24 informational picket line?

25 MR. FUNDERBURG: We had -- it's 40-60 at one time.

26 SENATOR CARPENTER: At the back gate?
27
28

1 MR. FUNDERBURG: Yes, and they were not only -- most of
2 them were from Metro, but we had -- we had about 15 of them came
3 from Lanterman State Hospital and also Fairview State Hospital,
4 you know, because of the Governor being there. And they were
5 also under -- subjected to some -- some contracting out, Senator.

6 CHAIRMAN GREENE: Further questions?

7 Mr. Funderburg, thank you very much.

8 MR. FUNDERBURG: Thank you, Senator.

9 CHAIRMAN GREENE: We're going to take a break now. The
10 stenographer has asked that we break about every 60 minutes. If
11 we get into the next witness, we'll run over, so I will be
12 obedient and follow your instructions as close to the letter as I
13 possibly can.

14 All right, we'll take another witness and then break
15 after that.

16 Mr. Virota, Joe Virota, SEIU staff.

17 Am I pronouncing that name correctly?

18 MR. VIROTA: Yes, sir.

19 CHAIRMAN GREENE: Would you please identify yourself and
20 then you may proceed with your testimony as you wish.

21 MR. VIROTA: My name is Joe Virota.

22 At the time of the incident I was employed with SEUI
23 Local 99.

24 Myself, Mr. Lee and a few others --

25 CHAIRMAN GREENE: In what capacity, may I ask you?

26 MR. VIROTA: I was employed as a field organizer.

27 CHAIRMAN GREENE: Thank you.

1 MR. VIROTA: Mr. Lee, myself and several other of the
2 field organizers from the Local 99 organizing staff had come to
3 the Hospital to show our support for the CSEA picket line and
4 were participating peacefully in the picket line at the front
5 gate of the Hospital.

6 Since a lot of the events have already been described,
7 I'm going to just pick up from the point in which the altercation
8 at the gate started.

9 I was on the outside of the gate at the time when
10 apparently the Hospital security decided that they needed to
11 close the gate, locking myself and the rest of the picketers on
12 the outside. Most of the picketers that I was with at that point
13 started heading back through the gate. There was concern about
14 returning to work on time and not having to walk around the
15 Hospital, which was quite a distance to get back in the front
16 gate.

17 A lot of folks were laying down the picket signs that
18 they were carrying, and their main concern was to get back --
19 just to get back in on the Hospital grounds and get back to work.

20 At this point, I didn't see any reason myself for any --
21 or any indication that there would be any violence of any sort
22 breaking out. People were just trying to get back in. Most of
23 us had gotten back inside when the officers started to -- they
24 continued to forcefully close the gate. People were trying to
25 get back inside, so the officers brought in a vehicle, a car, and
26 started to use that to push the gate closed.

27
28

1 I was already inside at the time. Mr. Lee was at the
2 gate at the time when the vehicle was brought up to shut it
3 closed, and he and several others were trapped between the gate
4 and the vehicle.

5 There were some -- a lot of folks were getting excited
6 about the use of the car. I didn't think that it was a necessary
7 thing to do. We weren't blocking traffic.

8 Mr. Lee also expressed his concern and -- to Officer
9 Salas, who was the driver of the vehicle at the time when I saw
10 him.

11 To echo Mr. Funderburg's words, I never heard at any
12 point in time any of the officers telling the crowd to disperse
13 or to -- that they were going to lock the gates, and they would
14 have to walk around. They just came up and started closing it.

15 Mr. Lee started having a verbal exchange with Officer
16 Salas at the time, and then he proceeded down to the grassy area
17 where people were assembling and then starting to walk away.

18 The picket line was over; the demonstration was -- it
19 was ended, and people were getting ready to go back to work.

20 Mr. Lee, myself and some of the other organizers from
21 Local 99 had come in the same vehicle so we were trying to gather
22 there and go back to our cars and go away.

23 The next thing I knew, Chol Soo was being tackled by the
24 security officers, Hospital security, and the crowd was getting
25 excited. People were pulling at Mr. Lee trying to, you know,
26 keep him up and to keep him away from the officers.

27

28

1 In the confusion, I guess, Chol Soo was able to get away
2 from the officers, and he headed out the gate. At that point I
3 gave my car keys to another one of our co-workers, told him to
4 get my car and pick us up at the corner. I had overheard Officer
5 Salas say that he just wanted to get him off the grounds.

6 It was my thinking at the time that since Chol Soo was
7 off the grounds, there would be no further problem. I gave the
8 keys to my co-worker, went after Chol Soo to tell him that
9 everything was under control and that we would be picked up at
10 the corner down the street from the Hospital.

11 Chol Soo was, I guess, about 50-60 yards ahead of me.
12 So I was -- he was jogging down towards the, I guess, on
13 Bloomfield towards Imperial. I was able to catch up with him,
14 and we slowed down to a jog, and I told him everything was under
15 control, and that we would be picked up at the corner here.

16 At that time, the officers came driving up in a police
17 car. There were four of them. Sergeant Salas, I guess was his
18 name, and three female officers.

19 They pulled up a little bit in front of us, so Chol Soo
20 started heading back toward the Hospital gate. They turned the
21 car around and headed him off, at which point he stopped. The
22 officers got out of the car. Chol Soo stood -- he stood straight
23 with his hands by his side. Officer Salas got out, and I was too
24 far from him at this time to hear what words were being
25 exchanged, but it looked as if Officer Salas was giving him some
26 instructions. Chol Soo was standing very still.

27

28

1 The next thing I saw was Officer Salas tackling Chol Soo
2 in a -- about the waist, grabbing him about the waist and
3 throwing him to the ground. Two of the other female officers got
4 into the struggle at that point.

5 There were a lot of -- I was approaching. I guess I was
6 about 15-20 yards away at the time when the tackle occurred. I
7 couldn't help noticing that the officers were using a lot of arm
8 twisting holds and throwing knees and elbows into Chol Soo and
9 dragging him -- started dragging him back toward the car.

10 One of the officers, one of the female officers, had not
11 participated in the struggle, and she was standing back,
12 participating. I approached her and asked her where they were
13 going to take him, at which point I heard Mr. Jim Conner approach
14 from behind me, asking "Do you have to kick him?" He was making
15 a statement, "Do you have to kick him?"

16 I looked toward Chol Soo to see whether they were
17 kicking him, but the view -- my view was blocked by the police
18 car door.

19 CHAIRMAN GREENE: Who is Mr. Jim Conner?

20 MR. VIROTA: He's -- I believe he's an employee of CSEA.
21 I'm not quite sure what his position is.

22 CHAIRMAN GREENE: Thank you.

23 MR. VIROTA: But he had been driving by in his -- in his
24 El Camino, and he saw -- he witnessed the -- the arrest, or the
25 altercation also. He pulled over, jumped out of his car, and
26 when he was approaching from behind me, he had asked, "Do you
27 have to kick him; do you have to kick him?"
28

1 The officer that I was speaking with told me that they
2 would take him to the Norwalk Sheriff's Station, and that if I
3 had any questions, I would have them answered over there.

4 At that point she got back in the car, and they drove
5 off with Mr. Lee, leaving Sergeant Salas on the street, talking
6 with myself and Mr. Conner. They came back to pick him up, and
7 then they took off again.

8 I -- at that point I just proceeded to go back around
9 the Hospital to the front to where I was hoping to be picked up
10 by my co-workers.

11 CHAIRMAN GREENE: Any questions?

12 Thank you very much for your testimony. We appreciate
13 it.

14 All right, we'll take that break now. We'll take a
15 five-minute breather to let our stenographer rest her fingers.

16 (Thereupon a brief recess was
17 taken.)

18 CHAIRMAN GREENE: We're going to go back to work.

19 Let me indicate at this point for the benefit of the
20 record, I made mention of our Consultants; however, I did not
21 state their names. That would be important because many persons
22 who might wish to communicate with the Industrial Relations or
23 the Health Committees, these would be the individuals who should
24 be contacted.

25 From the Senate Committee on Health and Welfare, the
26 Chief Consultant, Mr. Jim Lott.

27

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1 For the Senate Committee on Industrial Relations, Mr.
2 Neil Burraston. The Committee Secretary is Ms. Diane Peters.

3 Back to our witnesses, Reda Gomez.

4 Ms. Gomez, if you will please identify yourself, and you
5 may proceed with your testimony as you wish.

6 MS. GOMEZ: My name is Reda Gomez and --

7 CHAIRMAN GREENE: Is your mike on?

8 MS. GOMEZ: My name is Reda Gomez. I'm an office
9 assistant now. At the time of the incident I was a laundry
10 assistant.

11 On March 3rd, I went to the demonstration about 11:45,
12 about 15 minutes later than normal because I was in Personnel and
13 they were trying to help place me in a new job. So I went to my
14 lunch late.

15 I went to the back gate. By that time, that's where
16 everybody was. And I started carrying a picket sign. I didn't
17 remember which side of the driveway to go on, because I had never
18 been to a informational picket before. I had to ask somebody
19 where do I go. They told me to, you know, just pick up a sign
20 and don't block the driveway.

21 I started walking around. I saw the T.V. van, or
22 whatever it was. They were in a van. They were parked. They
23 had just left.

24 I remember seeing the police car drive up. I don't
25 remember who was driving it at the time. I do remember there was
26 a blond lady inside the car, that she came out, and Mr. Salas did
27 get in the car.
28

1 Where I was located, I was standing next to the gate.
2 There was another lady standing next to me. I don't know who she
3 was. And I remember we were trying to get back into the gate to
4 go to work, and Mr. Salas was going at her with his car.

5 I tried to jump out of the way. I got hit in the leg
6 and knocked down and pinned against the fence. I remember
7 running back to work. I was so scared. I was scared to death.

8 I remember going by -- I didn't really see who was
9 involved. I saw there was some wrestling on the ground. I
10 didn't -- I don't know who was involved. I didn't really see.

11 I don't know the names of the police officers really. I
12 ran by. I kept on going. I was just trying to get back to work.
13 I went on back to work.

14 I reported to my supervisor what had happened, and later
15 went to see a doctor.

16 CHAIRMAN GREENE: Were your injuries of consequence?

17 MS. GOMEZ: Yeah. I had a concussion, a neck sprain --

18 CHAIRMAN GREENE: You had a concussion?

19 MS. GOMEZ: Yes, yes.

20 CHAIRMAN GREENE: Were you thrown against the fence or
21 the ground?

22 MS. GOMEZ: I was pinned. I was pinned. I fell.
23 Really I didn't get hit that hard, but I was caught off guard and
24 it did knock me out.

25 CHAIRMAN GREENE: You said you were pinned. You were
26 pinned between what and what?

27
28

1 MS. GOMEZ: There was a person and the fence and the
2 car, so when I fell down, I did hit my head.

3 CHAIRMAN GREENE: You hit the fence?

4 MS. GOMEZ: To be truthful, I don't know what I hit, but
5 I hit something.

6 CHAIRMAN GREENE: Was there a great deal of confusion?

7 MS. GOMEZ: Pardon?

8 CHAIRMAN GREENE: Was there a great deal of confusion?

9 MS. GOMEZ: There was a lot of confusion, a lot of
10 confusion.

11 CHAIRMAN GREENE: Was there name-calling?

12 MS. GOMEZ: I heard a lot of cussing, a lot of cussing.

13 CHAIRMAN GREENE: On the part of all parties?

14 MS. GOMEZ: I don't know. I really don't know.

15 I do remember one security officer. This was after
16 everything; the gate was being closed and everything. I remember
17 seeing a Black lady. She did say "Please disperse", but it was
18 after everything was over.

19 CHAIRMAN GREENE: Questions?

20 Anything else you might wish to inform us of?

21 MS. GOMEZ: No.

22 CHAIRMAN GREENE: Thank you very much. We appreciate
23 your testimony.

24 Now Jim Thomas, R.N., Metro Hospital.

25 MR. THOMAS: My name is Jim Thomas. I'm an R.N.,
26 employed here at Metropolitan State Hospital.

27

28

1 I was attending and participating in the incident on
2 March 3rd. I was here from 8:00 o'clock in the morning handing
3 out leaflets to employees at the front gate prior to the
4 incident.

5 In order not to go over a lot of the same things that
6 have already been covered, I wanted to clear up a few things that
7 weren't covered, and then pick up at a later period in the
8 sequence of events.

9 First of all, it has not been mentioned, but for
10 purposes of clarification and giving you an idea of what exactly
11 was going on at the back gate, I would like to indicate -- I
12 would like to say that there were a great many families that had
13 kids, children of employees here who were off duty participating
14 in the picket, and there were a great many women, both employees
15 that were working that day and were off duty that day involved in
16 the picket. And that we were not crossing the entrance to the
17 Hospital grounds. We were -- we had two actual circles on each
18 side of the gate. So there was no interruption of traffic had
19 there been any; although there wasn't any traffic trying to get
20 in at that time of the day in the back gate that I observed.

21 I would also like to say that since this incident on the
22 picket line occurred on March 3rd, subsequent pickets have been
23 -- have been held at the Hospital as often as twice a week, and
24 that getting any employees to participate in any picket at this
25 Hospital has been almost impossible because they're extremely
26 intimidated and feel threatened should they involve themselves in
27 this type of activity, and have told me as much.

1 Now going on from where the -- where I was intending to
2 pick up, and that is that after Chol Soo Lee went out the back
3 gate, and the police officers got in a vehicle -- at that point
4 they had three vehicles at the back gate. All of them got into
5 one vehicle and drove off.

6 It was my impression at that time that they were
7 leaving, that things had quieted down, and that they had seen the
8 wisdom of perhaps separating us from them, and things would quiet
9 down and people would disperse.

10 Later events show that was not the case.

11 In any case, the -- within a few minutes after they
12 drove off, Mr. Conner, who is the CSEA field rep., came back to
13 the back gate and indicated that they had arrested -- that is,
14 Sergeant Salas and three other officers -- had arrested Chol Soo
15 Lee on the public street, Bloomfield, and that they had --

16 CHAIRMAN GREENE: Let me halt you at that point.

17 He was arrested on the public street?

18 MR. THOMAS: Yes, sir.

19 CHAIRMAN GREENE: Approximately how many feet or yards,
20 or would you be willing to guess, from the gate of the facility?

21 MR. THOMAS: It was -- it was out of sight from any of
22 the demonstrators that were at that time inside the gate, but I'm
23 given to understand it was down close to Imperial. But I really
24 don't know. I wasn't there.

25 CHAIRMAN GREENE: But you are positive that it was on
26 public property and not on State property?

27 MR. THOMAS: This is my understanding, yes, sir.

1 CHAIRMAN GREENE: Thank you.

2 MR. THOMAS: Mr. Conner --

3 CHAIRMAN GREENE: You said that is your understanding.
4 Is that your knowledge or your understanding?

5 MR. THOMAS: It's just as I have been told.

6 CHAIRMAN GREENE: All right, fine. Thank you.

7 MR. THOMAS: Mr. Conner returned, indicated that he had
8 seen him being arrested and that he had been kicked in the
9 process, and that his whereabouts were unknown.

10 At that time I got into Mr. Conner's vehicle and we went
11 looking to see where they took him and to try and ascertain his
12 injuries, if any, and the disposition, where he was going and
13 what we could do about getting his release, if he was going to be
14 arrested, post bail, whatever.

15 We went down to the Norwalk Sheriff's Station and we
16 couldn't see any State cars there, so we went to the front gate
17 of the Hospital and picked up John Tanner at that point, who was
18 at the front gate. And we were going to look around the grounds
19 to see if they had him on grounds here, and if so find out --

20 CHAIRMAN GREENE: You mentioned a name that I have not
21 heard.

22 MR. THOMAS: John Tanner, the first witness.

23 CHAIRMAN GREENE: Tanner, I'm sorry. I'm not hearing
24 well. My apologies.

25 MR. THOMAS: So we were going to see if we could gain
26 his release from the State Hospital police on grounds.

27

28

1 In driving in the gate, we noticed a State patrol car
2 parked in the big parking lot at the front, and we drove over
3 there to that patrol car where we saw or I saw Mr. Chol Soo Lee
4 in the back seat of that car with two female officers in the
5 front seat.

6 We pulled up beside that car and rolled down the window
7 and asked them what they were going to do with him. At that
8 point the one female security officer on the passenger side just
9 laughed, rolled her window up, and they drove off.

10 And at that point, not knowing what they were going to
11 do with Chol Soo Lee, or how badly he had been injured in the
12 incident where he was being arrested, we followed them. They
13 took us on a chase which really wasn't -- wasn't a high speed
14 chase on our part because we knew that we probably could get
15 arrested if we were speeding on grounds. But we did manage to
16 keep them in sight while staying within the posted speed limits
17 on grounds.

18 They went down the main street at the Hospital here,
19 over toward Program 8, and then back up, at which time we noticed
20 there was another squad car behind us.

21 Fortunately for us, they were kind of getting out of our
22 view, so we didn't really know where they were going, but
23 fortunately for us the dedication ceremony was letting out at
24 that point, and there was a traffic jam at the front gate where
25 they were heading. So, they had to slow down for that, at which
26 time the patrol car went off the road several times in an effort
27 to allude us, turned on their sirens and their lights.
28

1 At that time, we had allowed the car behind us, the
2 police car behind us, to go past us. He had turned on his
3 emergency lights, and at first we thought that they were going to
4 pull us over. But he just went around us; he got in front of us.
5 So we just followed him.

6 He went off the pavement and on the grass and managed to
7 get out the gate. We went out the gate behind him and with
8 sirens and so forth, they headed down toward the Norwalk
9 Substation.

10 When we got to the intersection of Imperial and Norwalk
11 Boulevard, Sergeant -- it was noted that one of the police
12 vehicles, the one that followed us originally and then went past
13 us, was Sergeant Salas, an unmarked police vehicle, a white Ford
14 truck, I believe, and he was driving that.

15 At the corner of Imperial and Norwalk, Sergeant Salas
16 kept looking back in his rear view mirror and forced us off the
17 road into a gas station at the corner of Imperial and -- and
18 Norwalk Boulevard. And then he proceeded to get back on the road
19 and followed the squad car down onto the Norwalk Sheriff's
20 Department.

21 CHAIRMAN GREENE: Was that observed by anyone at the
22 service station to the best of your knowledge?

23 MR. THOMAS: By anybody what, sir?

24 CHAIRMAN GREENE: At the service station, the fact that
25 you were forced --

26 MR. THOMAS: No, sir.
27
28

1 CHAIRMAN GREENE: -- off the road and into the service
2 station, was that observed by anyone at the service station?

3 MR. THOMAS: I don't know about at the service station,
4 but there were some people, as it turns out, at that intersection
5 where there was a traffic backup.

6 CHAIRMAN GREENE: Do you know who any of those persons
7 might be?

8 MR. THOMAS: Later it was determined that there were
9 some people also headed to the Sheriff's Substation to find out
10 about Chol Soo Lee who -- with his union, who observed this.

11 CHAIRMAN GREENE: So they were individuals who had been
12 picketing?

13 MR. THOMAS: Yes, sir, I think so.

14 In any case, we did then go on down to the Sheriff's
15 Station where we attempted to gain his release, and we also
16 attempted at that time, as was indicated by Mr. Funderburg
17 earlier, to file some type of a complaint against the Hospital
18 police for running us off the road, among other things, for
19 assault and so forth.

20 The Sheriff's Department would not take our written
21 complaints. At one point they indicated they would take them and
22 they would send them to the Metropolitan Police Department for
23 their internal investigation, and what exactly happened from that
24 I don't know. As far as I know, no charges have ever been
25 brought against these people.

26 But -- and that's pretty much all I can say about that
27 incident. It took us about eight hours to get him out of
28 custody.

1 CHAIRMAN GREENE: Senator Rosenthal.

2 SENATOR ROSENTHAL: I have a question.

3 Mr. Lee was placed in the car outside the gate?

4 MR. THOMAS: Yes, sir.

5 SENATOR ROSENTHAL: Was he then brought in the gate?

6 MR. THOMAS: Yes, sir. He was brought back on grounds,
7 driven all around grounds, and then taken to the Norwalk
8 Sheriff's Department.

9 SENATOR ROSENTHAL: He was brought in through the front
10 gate?

11 MR. THOMAS: I don't know how they got him back in. I
12 assume they did, because the back gate was --

13 SENATOR ROSENTHAL: Was locked, closed?

14 MR. THOMAS: Yes, sir.

15 SENATOR ROSENTHAL: So they brought him back in the
16 front gate?

17 MR. THOMAS: Yes, sir.

18 SENATOR ROSENTHAL: And that's where you saw what was
19 happening?

20 MR. THOMAS: That's where we again found him in the
21 patrol car in the parking lot at the front of the Hospital.

22 SENATOR ROSENTHAL: And then they proceed out of the
23 front gate?

24 MR. THOMAS: Taking a rather circuitous route and at
25 high speeds, yes, sir.

26 SENATOR ROSENTHAL: Within the property of the Hospital?

27 MR. THOMAS: Yes, sir.
28

1 SENATOR ROSENTHAL: And then they went out the front
2 gate and you followed them?

3 MR. THOMAS: Yes, sir.

4 SENATOR ROSENTHAL: Did they go directly to the
5 Substation?

6 MR. THOMAS: At that time, yes, sir.

7 SENATOR ROSENTHAL: No further questions.

8 CHAIRMAN GREENE: You indicated that you do not know the
9 name of the officers who were driving the vehicle. Did you get
10 their license number?

11 MR. THOMAS: No, sir, but those identities are
12 identifiable through those persons' statements that were taken by
13 the special investigator here at the Hospital.

14 CHAIRMAN GREENE: Is there anything else you would wish
15 to add to your testimony?

16 MR. THOMAS: Yes, sir.

17 I'm a job steward here. And I believe that this
18 incident is in keeping with the Metropolitan Hospital philosophy
19 in its dealing with labor. I believe this because of the fact
20 that since this incident, at least three of the stewards, the
21 active job stewards of CSEA here, have had charges, criminal
22 charges, brought against them. And other job stewards who are
23 active, including myself, have had adverse actions and other
24 petty intimidations and harassments lobbed at them.

25 I think this is just a part of the over all policy of
26 the Metropolitan State Hospital administration.

27

28

1 CHAIRMAN GREENE: Without getting into the other
2 persons' personal affairs, are you able to give us a kind of a
3 glimpse of the kinds of charges these other persons have had
4 brought against them?

5 MR. THOMAS: Other active job stewards?

6 CHAIRMAN GREENE: Yes, sir. Just to kind of give us a
7 feel for what kinds of charges.

8 MR. THOMAS: I'm most familiar with my own, and my own
9 have been that I have recently been suspended on what I consider
10 the most petty and unfounded charges that could be dreamed up.

11 CHAIRMAN GREENE: What were the grounds?

12 MR. THOMAS: The grounds are that I am alleged to have
13 pushed two patients, which happens to be one of the more favorite
14 charges to be brought against nurses in general, but also job
15 stewards who are active at all.

16 Patient abuse is one thing that management can be very
17 heavy handed on. It takes very little proof, and then it's up to
18 the individual charged to prove their innocence after the fact.
19 So it's a very convenient charge.

20 CHAIRMAN GREENE: Questions from the Members?

21 Mr. Thomas, thank you very much. We appreciate your
22 contribution.

23 Ralph Portugal.

24 MR. PORTUGAL: Good morning. My name is Ralph Portugal.
25 I'm a building maintenance worker here at Metro.

26 CHAIRMAN GREENE: Would you move that mike up a little
27 bit. You've got to almost put it in your mouth.

1 MR. PORTUGAL: My name is Ralph Portugal. I'm an
2 employee here at Metropolitan State Hospital. I'm a building
3 maintenance worker.

4 I'm here today to testify as far as what I saw --

5 CHAIRMAN GREENE: Speak up a little bit, would you
6 please. Don't be nervous.

7 MR. PORTUGAL: On March 3rd, I had an assignment there
8 on the third floor to repair some lights there, and I noticed on
9 the west end of the R&T Building, which is a large building here
10 on Norwalk Boulevard, when I noticed a group of people at the end
11 -- at the west end of the hallway there. And I approached these
12 people, and I noticed that this Thomas King, who is a supervisor
13 here, a janitor supervisor, had binoculars. And I questioned as
14 to what they were doing. Came in and I noticed Mr. Buckley there
15 too with him, and I questioned them as to what they were doing
16 there. And then they told me that they were looking at the
17 demonstration out there on Norwalk Boulevard.

18 CHAIRMAN GREENE: Who are those two individuals?

19 MR. PORTUGAL: Dan Buckley and Tom King.

20 CHAIRMAN GREENE: Right. What are their positions?

21 MR. PORTUGAL: I think Tom King is a supervisor for the
22 housekeeping.

23 CHAIRMAN GREENE: And the other gentleman?

24 MR. PORTUGAL: He's the -- Dan Buckley is the supervisor
25 of Mr. Tom King.

26 CHAIRMAN GREENE: He's the supervisor for what?

27 MR. PORTUGAL: Mr. Tom King. He's his supervisor.
28

1 CHAIRMAN GREENE: All right, fine. Proceed.

2 MR. PORTUGAL: That's all I saw on that day.

3 CHAIRMAN GREENE: The only conversation you had with Mr.
4 Buckley and Mr. King is to inquire and --

5 MR. PORTUGAL: What they were doing there.

6 CHAIRMAN GREENE: And receive an answer to your inquiry
7 as to what they were doing.

8 Questions from the Members?

9 Thank you very much, sir. We appreciate your addition.

10 Mark De Boer, CSEA attorney.

11 Counselor, welcome.

12 MR. DE BOER: Good morning. I'm staff attorney for CSEA
13 in the Southern Area.

14 I was not involved in the actual demonstration at all,
15 but was involved representing our employees subsequent to the
16 demonstration in the administrative inquiry which took place.

17 It was conducted mainly by a gentleman named Jim
18 Shearer, who is a supervising investigator of some sorts with the
19 Department of Mental Health working out of Sacramento.

20 He conducted interviews of at least a dozen employees
21 here at Metropolitan Hospital, and I represented them because I
22 was told that Mr. Jim Conner, who would normally do so, would not
23 be permitted to represent these people because he was a subject
24 of the investigation himself.

25 I sat in at these interviews and witnessed the sort of
26 investigation that took place. Now, the ground rules under which
27 these investigations occur require the employees involved to
28

1 answer questions. They have no right to remain silent. Now,
2 those that were being considered for criminal charges were
3 Miranda-ized, and that was all done according to the rules.

4 But in the course of the investigation, the
5 investigative interviews, there were numerous questions asked
6 that seem to focus more on union activity rather than on any
7 misconduct which may have occurred on that date. A repeated
8 question was: Who else did you see at the demonstration? What
9 are the names of other employees you saw there? Who organized
10 the demonstration? How did you hear about the demonstration?
11 The focus of a lot of these questions seemed to be on the
12 protected activity of, you know, collective action through a
13 union.

14 To try and maintain our status and assert our rights, I
15 filed an unfair labor practice and complaints with the Hospital
16 administration and the Department of Mental Health in Sacramento
17 concerning the police behavior on the date of the demonstration.
18 I have not received an acknowledgement that my complaint was ever
19 received by the Department of Mental Health or by the Hospital.

20 The unfair labor practice is a pending matter.

21 That's all I have to offer.

22 CHAIRMAN GREENE: Counselor, let me ask you because you
23 are more of an expert on the details of this than we are, as we
24 attempt to probe into this, do we need to be careful? I
25 understand it's far different from a situation before a court,
26 but is there any caution which we should exercise in the details
27 of which we might get into a testimony or a comment by some
28

1 witness whom we might have already heard from, or whom we might
2 hear from later on?

3 Do we need to be cautious? Do we interfere with the
4 normal process and procedures and the rights which would be given
5 the employees in that hearing? Or do we interfere with the
6 Agency's ability to follow through on that or not follow through
7 on that?

8 MR. DE BOER: No, I think to a certain extent it's --
9 there's cumulative affect here. There's an overlap.

10 Certainly some of the matters that we're getting into
11 today are going to be addressed by PERB in their disposition of
12 the incident.

13 CHAIRMAN GREENE: Of course that can't be helped.

14 As I announced earlier so that everyone has the same
15 facts, at least as cited here, that's why we will make copies of
16 the transcript available for any and everyone who might wish to
17 have a copy.

18 MR. DE BOER: I might add that because of your
19 Committee's presence today, an individual has stepped forward
20 that we had not heard from before, Mr. Portugal, to report on
21 what he observed. And that of course is going to be brought to
22 PERB's attention.

23 CHAIRMAN GREENE: Thank you.

24 Questions from the Members?

25 Thank you very much, Counselor. We appreciate your
26 testimony.

27

28

1 All right. I might also indicate, there were several
2 officers who said they wished to testify. They did indicate that
3 they were going to have to get back to work. I directed staff
4 that we would take those officers following talking with the
5 other officers.

6 All right, Sergeant Salas. Good morning, Sergeant, and
7 welcome.

8 SERGEANT SALAS: Good morning.

9 CHAIRMAN GREENE: If you would, please identify yourself
10 and then you may proceed with your testimony as your wish.

11 SERGEANT SALAS: I'm Sergeant Salas. I'm a Hospital
12 peace officer here at Metropolitan State Hospital.

13 Well, on March 3rd, the morning of March 3rd, I met with
14 Mr. Siela, the Hospital Administrator, and I was informed that
15 there was going to be two events taking place that day: a ground
16 breaking ceremony and possibly a union demonstration by CSEA.

17 So, we exchanged a few comments, and the basic
18 understanding was that the union demonstrators were not to come
19 onto grounds with those picket signs, and they were not to block
20 any of the service entrances.

21 So that morning --

22 CHAIRMAN GREENE: You said they were not to come off the
23 grounds?

24 SERGEANT SALAS: They were not to come on to the grounds
25 with their picket signs, and they were not block any of the
26 service entrances.
27
28

1 That morning I met with Jim Conner and I briefed him.
2 And he agreed. At first he had a problem with it, and he said he
3 had to get back with his people and he would get back with me.
4 And then later on he said, "Yes, that would be fine."

5 So, the demonstration -- CSEA's demonstration began at
6 the front entrance on Fourth Street, and everything seemed to be
7 fine. Some of the demonstrators did want to come on the grounds
8 with the signs. I cautioned them about it. They did leave the
9 signs, and they did comply. And then, at about 11:00 o'clock,
10 they began walking on grounds without their signs towards the
11 back gate on Eighth Street, our service entrance.

12 We did monitor the movement, and I had given the -- all
13 of the officers on duty instructions, and so everybody was clear
14 of the understanding that we would have that day.

15 Now, some of the demonstrators did stop midpoint through
16 the Hospital and partake in the ground breaking ceremonies, and
17 then they ate, and then some of them continued on, some of them
18 stayed there.

19 Well, I had been monitoring their movement towards the
20 middle of the grounds area, and I was called by one of the
21 officers, I believe it was Officer Clair. She said that -- that
22 a lot of the demonstrators were blocking the service entrance at
23 Eighth Street.

24 So, I went back to Eighth Street, and I observed for
25 quite a while. And they were blocking the -- the service
26 entrance. I did notice a short time afterwards a truck that had
27 pulled on to the side of Bloomfield because it couldn't enter.
28

1 So, I observed them for a while, and then I -- I walked
2 up to the left side --

3 CHAIRMAN GREENE: Let me ask you at this point, the
4 service entrance is an entrance different from the front or rear?

5 SERGEANT SALAS: Well, it's somewhat different because
6 it's mainly used for service vehicles.

7 CHAIRMAN GREENE: That's a third entrance?

8 SERGEANT SALAS: No, that's a second entrance. That's
9 the one on Eighth Street. It's locked on the weekends and it's
10 locked on holidays.

11 CHAIRMAN GREENE: But are we referring to that as the
12 rear entrance?

13 SERGEANT SALAS: That's the rear entrance.

14 CHAIRMAN GREENE: So we're still talking about the rear
15 entrance then?

16 SERGEANT SALAS: Right, it's the Eighth Street gate.

17 CHAIRMAN GREENE: All right.

18 SERGEANT SALAS: So, after I observed the crowd for a
19 while, I went up and I -- I instructed the officers to stay
20 behind, and I made sure that -- I told them to leave their
21 equipment, their batons and et cetera, to leave them in the
22 vehicles. And I also left my equipment back in the vehicle.

23 So, I walked up, and I spoke to, I believe it was -- it
24 was a tall male individual. It may have been John Tanner. I
25 spoke to him.

26 And, you know, what I wanted to do with him, what I was
27 attempting to do was to negotiate with him and to get him to just
28

1 -- to advise these people that they could -- they could picket
2 back there, but they couldn't block the service entrance.

3 Now, what they were doing is, they were making a circle,
4 but the circle was getting so small that actually they were
5 circling right on to the street. So I mainly wanted them to just
6 -- just continue moving and not block the service entrance.

7 I tried to negotiate this with John Tanner. And he did
8 appear at one point that he did want to cooperate. But by this
9 time the crowd was getting louder, and I was having a hard time
10 even communicating with him. We were having a hard time hearing
11 each other.

12 And -- and so I did tell him, "Look, look. If I wanted
13 to, you know, I could close the gate," I says, "but I'm not
14 interested in doing that." And I did sort of use it as a
15 negotiating tool.

16 And -- and he had -- he had a horn, and so I observed
17 him to be the leader. That's why I was talking to him.

18 But what happened is -- is, some of the demonstrators
19 grabbed on to the gate also. They were looking and observing my
20 absence. They may have thought that I was just -- just
21 arbitrarily going to close the gate. Well, that wasn't my
22 intentions. But -- but the crowd was so loud, so they just --
23 they just moved on their actions.

24 They grabbed the gate, and they pulled it -- pulled it
25 towards me, so I really didn't have control of it any more. So,
26 at this time the crowd's getting loud, and we did -- by this time
27 a few of the officers did come behind me.

1 Now, they walked toward behind me, and there was one
2 individual, Chol Soo Lee, who came out of the crowd and kept
3 striking me and then going back into the crowd. And I didn't
4 really recognize him at first, but I did know that he was wearing
5 a red T-shirt.

6 CHAIRMAN GREENE: Striking you?

7 SERGEANT SALAS: That's right.

8 CHAIRMAN GREENE: You mean hitting you?

9 SERGEANT SALAS: Right. He was -- he kept striking me
10 on my side.

11 CHAIRMAN GREENE: With what?

12 SERGEANT SALAS: With his hands.

13 CHAIRMAN GREENE: Fists or open hands?

14 SERGEANT SALAS: With his closed fists. He kept
15 striking me, and then he'd run back into the crowd.

16 Well by this time some of the picketers threw their --
17 threw their signs down, and they -- they really got loud. And I
18 told them to disperse. I told them, you know, "This is unlawful
19 assembly. Disperse."

20 And I -- I got back into my vehicle. Now, by this time
21 one of the vehicles had pulled up behind me. One of the officers
22 may have been in it, but I got into the driver's seat. And what
23 I wanted to do, I attempted to get on the radio, but I had to
24 roll my window up because some of the demonstrators were sticking
25 their hands into the car. By this time they all got around the
26 car.

1 I did start it up, and I -- I was trying to pull away,
2 pull away with the vehicle and retreat at this time. But I
3 couldn't move it. I couldn't move it forward; I couldn't move it
4 backward because all the demonstrators got right against the
5 bumper, all around it.

6 By this time they were striking the vehicle with their
7 signs. And we rolled the windows up. I tried rolling the window
8 up on my side. I didn't get it all the way up. I tried to get
9 on the radio; I wasn't able to, so I got the keys out and I got
10 back out of the vehicle.

11 So, by this time I did identify Chol Soo Lee. And
12 myself and one of the officers did try to arrest Chol Soo Lee at
13 this time. I identified him. I told him he was under arrest. I
14 grabbed one arm and one of the officers grabbed the other arm.
15 And we were just swayed by the crowd -- crowd right over to my
16 right side on to the grassy area.

17 And at this time the demonstrators pulled all my gear
18 off of me, pulled all the gear off of the other officers. We
19 were thrown to the ground. I was kicked. And Chol Soo Lee was
20 pulled away from us. He ran on -- out the gate and on down
21 towards Bloomfield.

22 By this time we were overtaken by the crowd. So, we
23 pulled away. We got into one vehicle, and we -- we pursued after
24 Chol Soo Lee just a ways down, maybe 30 yards; I don't know
25 exactly. We did arrest him.

26 I told him he was under arrest. We did arrest him. We
27 cuffed him, and we brought him back in through the back gate,
28

1 which was still open. We brought him in through the back gate,
2 and I coordinated transportation to the Sheriff's Office, because
3 we did need to leave someone on grounds. It was still midday.

4 And I did notice that -- now, Conner, he had followed us
5 to the back gate, and he was saying things like, "Hey, don't be
6 kicking him." And we were saying, "What's going on? Nobody's
7 kicking anybody. Nobody's doing anything." He said, "Hey, did
8 you see that? Did you see that?" Drawing attention, and a lot
9 of the demonstrators, some of the people that were there, he was
10 just drawing their attention and nothing was going on.

11 And so, he followed us with some other male individuals
12 to the Sheriff's Station. We went Code Three; we were emergency.
13 And they were behind us most of the way. We were going Code
14 Three, emergency, to the Sheriff's Station, and we had this
15 vehicle following us, butting in through traffic. At one time I
16 was in fear that -- for the officers' safety, and I was -- I was
17 in fear that they were actually going to take -- take Chol Soo
18 Lee from us, that I stayed behind. I stayed behind one of the --
19 one of our units. And they followed us all the way right up to
20 the Sheriff's back entrance, Booking, and we booked him.

21 CHAIRMAN GREENE: Sergeant, do you and your officers
22 carry weapons?

23 SERGEANT SALAS: No, we don't. We don't carry side
24 arms.

25 CHAIRMAN GREENE: Were you in the vehicle in which Mr.
26 Lee was riding, or were you in another vehicle?

27 SERGEANT SALAS: I was in another vehicle.
28

1 CHAIRMAN GREENE: I ask you because you said that you
2 had felt at one time that they were going to take Mr. Lee away
3 from you.

4 SERGEANT SALAS: Yes, sir, I did.

5 CHAIRMAN GREENE: So, you had to speed up with your
6 vehicle.

7 SERGEANT SALAS: Well, no --

8 CHAIRMAN GREENE: You were not in the vehicle in which
9 Mr. Lee was riding.

10 SERGEANT SALAS: No, sir.

11 CHAIRMAN GREENE: Do I interpret the testimony
12 correctly, or does it correctly represent the facts, you were in
13 a second vehicle, which was behind the vehicle containing the
14 pickets?

15 SERGEANT SALAS: That's correct.

16 CHAIRMAN GREENE: That was a truck?

17 SERGEANT SALAS: I was in a truck behind one of the
18 marked units, behind one of our marked units.

19 CHAIRMAN GREENE: So what do you mean then when you say
20 that they were about to take Mr. Lee from you?

21 SERGEANT SALAS: We were going emergency Code Three. We
22 were going with our lights on. We were proceeding in a very
23 expedient manner to the Sheriff's Office.

24 Now, Jim -- Mr. Conner followed us and cut around
25 vehicles, and -- and he was behind me and behind other traffic.
26 I saw him making unsafe lane changes, and I saw him -- I observed
27 him speeding through my back rear mirror.

28

1 I was on the radio and I had constant communications
2 with the -- with the other marked units. So, we were fortunate
3 enough to get there right through the intersection and get there
4 in a safe manner.

5 And I was just in fear by the way he was driving with
6 the other male individuals that -- that he may have tried to take
7 Lee from us.

8 CHAIRMAN GREENE: All right.

9 Senator Rosenthal.

10 SENATOR ROSENTHAL: Sergeant, were you in uniform?

11 SERGEANT SALAS: Yes, sir, I was.

12 SENATOR ROSENTHAL: Are you off duty today?

13 SERGEANT SALAS: Yes, sir, I am.

14 SENATOR ROSENTHAL: What days do you work?

15 SERGEANT SALAS: Well, currently I'm working -- I have
16 Sundays and Mondays off. I work graveyard shift.

17 SENATOR ROSENTHAL: Graveyard shift?

18 SERGEANT SALAS: That's correct.

19 SENATOR ROSENTHAL: What changed your work hours the day
20 of March the third?

21 SERGEANT SALAS: On that particular day I was working
22 day shift. And I think I had been on day shift at the time. It
23 was just currently afterwards. We had some staffing changes, and
24 I -- I'm now on graveyard.

25 SENATOR ROSENTHAL: The staff changes followed this
26 incident?
27
28

1 SERGEANT SALAS: Well, it was after the incident, but I
2 don't think it was in regards to the incident.

3 SENATOR ROSENTHAL: You don't think it was related?

4 SERGEANT SALAS: No, sir.

5 SENATOR ROSENTHAL: How long had you been on days?

6 SERGEANT SALAS: I -- I'm not sure. I have worked all
7 shifts, and that particular day I was on day shift.

8 SENATOR ROSENTHAL: Have you worked the graveyard
9 before?

10 SERGEANT SALAS: Yes, sir.

11 SENATOR ROSENTHAL: How many sergeants are on duty here
12 at the Hospital?

13 SERGEANT SALAS: We have four sergeants.

14 SENATOR ROSENTHAL: Is there a sergeant on each shift?

15 SERGEANT SALAS: Yes, sir. We have three shifts, and we
16 also have a relief sergeant. We just had one of our -- our chief
17 just retired, so we did have some staffing changes. One of the
18 officers --

19 SENATOR ROSENTHAL: But there is a sergeant on each
20 shift?

21 SERGEANT SALAS: That's correct.

22 SENATOR ROSENTHAL: Thank you.

23 CHAIRMAN GREENE: Senator Carpenter.

24 SENATOR CARPENTER: Sergeant, how long have you been at
25 Metro?

26 SERGEANT SALAS: I've been here about eight years.

27 SENATOR CARPENTER: How many?
28

1 SERGEANT SALAS: About eight years.

2 SENATOR CARPENTER: Have you been in the security force
3 for all that time?

4 SERGEANT SALAS: No, sir.

5 SENATOR CARPENTER: How long have you been with
6 security?

7 SERGEANT SALAS: I've been with the Hospital police
8 about five years.

9 SENATOR CARPENTER: Have you had any prior experience as
10 a police officer?

11 SERGEANT SALAS: No, I haven't.

12 SENATOR CARPENTER: Who gave the order to use the Code
13 Three to transfer the prisoner to Norwalk Sheriff's Station?

14 SERGEANT SALAS: I did.

15 SENATOR CARPENTER: Do you know what the State standards
16 are for the use of sirens and lights on emergency vehicles?

17 SERGEANT SALAS: Yes, sir. Well, my -- my
18 interpretation of that is any time that we're transporting
19 emergency, proceeding expediently, that would be Code Three.

20 SENATOR CARPENTER: Can you tell us what the nature of
21 your training has been to prepare you to be on the police force
22 here?

23 SERGEANT SALAS: Well, I've been to the Police Academy
24 -- to the Police Academy at -- Rio Hondo Police Academy. I've
25 had most of the advanced officers courses there. I've been to a
26 special investigator's course. I've had all the in-service
27 training available and practically -- just about as much training
28 as a police officer could have.

1 SENATOR CARPENTER: In the course of your five years?

2 SERGEANT SALAS: That's correct.

3 SENATOR CARPENTER: This was given to you by the Los
4 Angeles Academy?

5 SERGEANT SALAS: Uh, it's through Rio Hondo Community
6 College. They have a -- they have a community -- community
7 police academy there, accredited.

8 SENATOR CARPENTER: It's the Rio Hondo Academy?

9 SERGEANT SALAS: That's correct.

10 SENATOR CARPENTER: And this training was part of your
11 in-service training as a State employee?

12 SERGEANT SALAS: That's correct.

13 SENATOR CARPENTER: Have you been here all morning?

14 SERGEANT SALAS: Yes, I have.

15 SENATOR CARPENTER: Did you hear the testimony by one of
16 the witnesses who had driven to the Sheriff's Station that they
17 were run off the road by a following vehicle?

18 SERGEANT SALAS: Yes, sir, I heard that.

19 SENATOR CARPENTER: Did you see any behavior, or did you
20 participate in any behavior that would fit that description?

21 SERGEANT SALAS: No, sir. No, sir.

22 SENATOR CARPENTER: Did you see any behavior that would
23 fit that description?

24 SERGEANT SALAS: I'm not really clear what you're
25 asking, but I would --

26 SENATOR CARPENTER: Did you run anybody off the road?

27 SERGEANT SALAS: No, I didn't.

28

1 SENATOR CARPENTER: Did you see anybody run anybody off
2 the road?

3 SERGEANT SALAS: No, I didn't.

4 SENATOR CARPENTER: Did you pass anybody?

5 SERGEANT SALAS: No, I didn't. I was, like I say,
6 behind one of the marked units most of the time.

7 SENATOR CARPENTER: When was the most recent training
8 course you have had?

9 SERGEANT SALAS: Oh, gee, I guess it was a couple months
10 ago. I had a law enforcement instructor and development course
11 and part-time teaching certification at Rio Hondo.

12 SENATOR CARPENTER: Thank you.

13 CHAIRMAN GREENE: Sergeant, you just responded to
14 Senator Carpenter that you did not witness nor take part in any
15 conduct which would be suggestive of running anyone off the road,
16 and then in your testimony, you said that you were worried and in
17 fear that they were going to take Mr. Lee away from the officers.
18 Now, you outlined the changing of location of automobiles.

19 Now, it seems to me that we've got to clear that up.

20 In other words, your comments in response to Senator
21 Carpenter do not seem to suggest the scene that you outlined in
22 your original testimony.

23 SERGEANT SALAS: I understand that as being two
24 questions.

25 I didn't run anybody off the road. That's one question.

26 CHAIRMAN GREENE: But also part of his question was, did
27 you see anyone else --
28

1 SERGEANT SALAS: Now, I saw through my rear view mirror,
2 I saw Jim Conner's vehicle. It was an El Camino. I saw him in
3 it. I saw other large male individuals. I believe there was --
4 there was at least four individuals in the vehicle. I could see
5 them in my rear view mirror.

6 I could see him keeping -- I saw that he was relatively
7 keeping up with us, and we were going Code Three. I could also
8 observe him through my rear view mirror changing lanes and
9 maneuvering around and through traffic at a high speed. I could
10 see this through my rear view mirror.

11 CHAIRMAN GREENE: Was that in your opinion suggestive of
12 the kind of driving that might have a tendency to run somebody
13 off the road?

14 SERGEANT SALAS: Based on all my communitive (sic)
15 actions I observed on Mr. Conner's part, I would say yes. The
16 fact that initially he -- he didn't want to cooperate. He was at
17 the demonstration. He was at the -- he was at the scene of the
18 arrest. He -- he made a lot of comments suggesting that we may
19 have been kicking Lee Chol Soo, which we hadn't, and the fact
20 that he followed us and back on to the grounds, and while two of
21 the officers were -- and myself were coordinating transportation
22 to the Sheriff's Station, and the fact that he followed us all
23 the way to the Sheriff's Station, yes.

24 CHAIRMAN GREENE: So that was somewhat in your response
25 to Senator Carpenter.

26 What did you charge Mr. Lee with after you had taken him
27 to the station?
28

1 SERGEANT SALAS: Assault on a peace officer.

2 CHAIRMAN GREENE: You stated at the beginning that the
3 picketers had formed a circle which was getting smaller and
4 smaller.

5 Now, had this circle moved out into the driveway, or was
6 it along either side of the gate?

7 SERGEANT SALAS: They were on the street blocking the
8 driveway. Many of them were continuing to -- to walk in a small
9 circle. A lot of them had stopped and just were blocking the
10 driveway. I observed them for quite a while.

11 CHAIRMAN GREENE: And there was traffic that was
12 attempting to get in?

13 SERGEANT SALAS: Well, I know for sure that there was
14 one truck that tried to get in.

15 CHAIRMAN GREENE: You then indicated in your testimony
16 that you informed Mr. Tanner that you could close the gate.

17 How would that facilitate the movement of traffic,
18 closing the gate?

19 SERGEANT SALAS: Well, as I said earlier, my intent with
20 Mr. Tanner was to negotiate. Mainly he had the bull horn. He
21 was the leader, and I thought through him, I could get him to get
22 his -- to get his members to cooperate with -- with the
23 instructions that we ad agreed on earlier that day.

24 My intent wasn't to close the gate, but I did grab ahold
25 of the gate. But it was shortly afterwards that many of the
26 demonstrators took ahold and -- and maintained control of the
27 gate. I didn't have control of the gate after that.

28

1 CHAIRMAN GREENE: I'm going back to your comment that
2 your concern was the movement of traffic, and the picketers were
3 blocking traffic. You then said that you said you could close
4 the gate.

5 My question is: How would that facilitate the movement
6 of traffic?

7 SERGEANT SALAS: It wouldn't have. The gate would have
8 been blocked.

9 But my concern was not -- was not -- my main concern was
10 that -- that they had broken the agreement, which was they were
11 blocking the entrance. Whether traffic was going through there
12 at that time or not, they were blocking the entrance.

13 There was two rules that they had to follow. They
14 couldn't come on to grounds with the picket signs, and they could
15 not block the entrance. They were in fact blocking it for quite
16 a while.

17 It was during the day. It was at 11:30. Now, whether
18 traffic was coming through at that moment or not, that's --
19 that's secondary. The fact is that they were blocking the gate.
20 They were in violation.

21 CHAIRMAN GREENE: So the fact of impeding the traffic
22 was secondary, as you state?

23 SERGEANT SALAS: Uh-huh.

24 CHAIRMAN GREENE: You had that agreement with whom, or
25 who had arrived at this agreement with the picketers?

26 SERGEANT SALAS: That was myself with the union leaders
27 and Mr. Siela and our management and the union organizers.

28

1 CHAIRMAN GREENE: You were all present when this
2 agreement was arrived at?

3 SERGEANT SALAS: Well, I know I spoke to Mr. Siela, and
4 I know I spoke to Jim Conner. And I know I attempted to speak to
5 Mr. Tanner. And I believe I had spoke to him earlier, but I did.
6 And it was clearly understood. So, I'll say that much.

7 CHAIRMAN GREENE: Who in the position of executive
8 authority at the Hospital here had arrived at that agreement with
9 him, to the best of your knowledge?

10 SERGEANT SALAS: I didn't -- I don't -- I don't know who
11 specifically spoke to the union organizers other than myself.

12 CHAIRMAN GREENE: Where did you get your instructions
13 from then?

14 SERGEANT SALAS: I got my instructions from my Hospital
15 Administrator, Mr. Siela.

16 CHAIRMAN GREENE: And he is the ranking person here?

17 SERGEANT SALAS: He is one of them, yes, sir.

18 CHAIRMAN GREENE: Is he the second in command.?

19 Were you told in your instructions that if they
20 attempted to block traffic, or if anything inappropriate took
21 place, to close the gate? Were you given those instructions by
22 your supervisor?

23 SERGEANT SALAS: No, that was left open. No, I wasn't
24 given that instruction.

25 CHAIRMAN GREENE: What do you mean when you say it was
26 "left open"?

27

28

1 SERGEANT SALAS: Well, it just depends on anything can
2 happen out there, and it's my discretion. I'm the supervisor on
3 duty and --

4 CHAIRMAN GREENE: Was there discussion about that, or
5 was there no discussion about that?

6 SERGEANT SALAS: Well, we discussed it if the union --
7 if there was no cooperation, it was basically, you know, I have a
8 choice of ten alternatives. We explored alternatives, but there
9 was no specific instruction.

10 CHAIRMAN GREENE: What were those ten alternatives?

11 SERGEANT SALAS: Well, basically --

12 CHAIRMAN GREENE: What were the ten alternatives?

13 SERGEANT SALAS: Well, that we would try to get their
14 cooperation. That we would try to the people. And that if they
15 weren't cooperative, try to talk to the -- try to talk to the
16 people in charge. And that basically we were both optimistic
17 that everybody understood and that we weren't going to have a
18 problem.

19 CHAIRMAN GREENE: What were the nine other alternatives?

20 SERGEANT SALAS: I don't remember specifically. But as
21 I said, we just exchanged comments, but my main -- my main --

22 CHAIRMAN GREENE: They were not discussed in the nature
23 of being alternatives?

24 SERGEANT SALAS: Just a discussion.

25 CHAIRMAN GREENE: Were you given very clear
26 instructions?

27 SERGEANT SALAS: Two very clear instructions, yes.
28

1 CHAIRMAN GREENE: And those two very clear instructions
2 were --

3 SERGEANT SALAS: Three, actually.

4 CHAIRMAN GREENE: Would you outline on the record what
5 those three very specific instructions were?

6 SERGEANT SALAS: Okay. Number one is the picketers
7 could not come on to grounds with the picket signs. Number two,
8 that they could not block the service and gate entrances, which
9 being on Fourth Street and at the back on Eighth Street. And,
10 that also that the demonstrators were more than welcome to be --
11 partake in the -- the ground breaking ceremonies that were taking
12 place, and that we were to make them feel welcome and to let them
13 know that they were all welcome to be part of the ceremonies, and
14 in no way are they being, you know, pushed aside because of any
15 other interest they may have.

16 CHAIRMAN GREENE: What was the reason for your getting
17 the automobile?

18 SERGEANT SALAS: Pardon?

19 CHAIRMAN GREENE: What was the reason for your getting
20 an automobile to close the gate? Why did you get an automobile
21 to attempt to close the gate?

22 SERGEANT SALAS: Well, I didn't get an automobile to
23 close the gate, to attempt to close the gate.

24 CHAIRMAN GREENE: You got in no automobile at the gate
25 there to force the gate closed?

26 SERGEANT SALAS: No, sir. I didn't do that.

27 CHAIRMAN GREENE: You struck no one?
28

1 SERGEANT SALAS: No, I didn't strike anyone. The crowd
2 immediately -- immediately got around the vehicle. I did get in
3 the marked vehicle, as I said earlier, one of the marked vehicles
4 that had pulled up, because we had initially left them all
5 behind. I walked up there without any gear, alone, to talk to
6 one of the union organizers.

7 But as soon as I got in the vehicle, I mean, the crowd
8 just went around the vehicle. I could hardly move it. I -- I
9 may have tried to maneuver it, like, forward and backward with my
10 -- with my foot on the break, but I saw that I wasn't able to
11 move it. So I got back out of the vehicle.

12 But I didn't attempt at any time to -- I know I -- no
13 one was struck, and I didn't attempt to close the gate with a
14 vehicle.

15 CHAIRMAN GREENE: What do you mean when you say you were
16 unable to move the automobile? Do you mean you were unable to
17 move the automobile without striking someone, or that you were in
18 fact unable to move the automobile?

19 SERGEANT SALAS: Well, I'll tell you what I did. I got
20 into the vehicle --

21 CHAIRMAN GREENE: I would like for you to, if you would
22 please, respond to the question. I really don't need a long
23 answer. You could say the former or the latter.

24 SERGEANT SALAS: Well, as I said, I got into the
25 vehicle. I started it. Immediately afterwards, the crowd got
26 around the vehicle. About that time I had -- I had attempted to
27 put it into gear, but I saw that it was -- I realized that I was
28

1 -- I was being crowded from all sides, and at this time the
2 demonstrators were pounding on the vehicle with their signs. I
3 put it back into park and cut the key off, and I got out.

4 CHAIRMAN GREENE: So do you mean you were unable to move
5 the automobile without striking someone?

6 The reason I ask the question is surely you know that no
7 crowd of 30 people could stop a vehicle from moving.

8 SERGEANT SALAS: That's true, but my -- what I wanted to
9 do with the vehicle --

10 CHAIRMAN GREENE: However, if you say that you could not
11 move it without striking someone, then that's fair.

12 SERGEANT SALAS: Well, I surely don't want -- wouldn't
13 want to hurt anybody, but my intention --

14 CHAIRMAN GREENE: You're on record. I'm trying to get
15 you to say exactly what it is without -- because those are two
16 different answers.

17 SERGEANT SALAS: Well, I didn't want to hurt anybody. I
18 didn't want to see anybody get hurt. I initially wanted to move
19 the vehicle back, but people were around, other people.

20 CHAIRMAN GREENE: The reason I asked you the question is
21 because you didn't add those words "without hitting anyone",
22 because you can move the automobile. You could move an
23 automobile with 60 people.

24 SERGEANT SALAS: I didn't want to hit anybody, and I
25 didn't want anybody to get hurt with the vehicle.

26 CHAIRMAN GREENE: Are you knowledgeable in labor law?

27 SERGEANT SALAS: Somewhat.
28

1 CHAIRMAN GREENE: Insofar as the rights of workers in a
2 situation like that, are you versed on that, or were you versed
3 or made conscious of the rights of the workers during that
4 demonstration as well as the rights of the institution? Both are
5 appropriate.

6 SERGEANT SALAS: Basic, basic.

7 CHAIRMAN GREENE: You did know that they were perfectly
8 within their legal rights.

9 SERGEANT SALAS: Yes, sir, I do. Yes, sir.

10 CHAIRMAN GREENE: Did you feel that you had any right to
11 break up the demonstration if they were no impeding traffic?

12 SERGEANT SALAS: None whatsoever. As a matter of fact,
13 what they were doing was perfectly legal. Some of the
14 demonstrators would come up at some point and say, "Well, how do
15 you feel about it?" I'd say, "I'm neutral in this. I just have
16 a few basic instructions, and they've been relayed to your
17 leaders." But they had a perfect right to demonstrate.

18 CHAIRMAN GREENE: Have you participated in any incidents
19 of this type here at this institution over these five years that
20 you've been here?

21 SERGEANT SALAS: No, that was the first where the
22 situation got out of hand like that.

23 CHAIRMAN GREENE: But they have had pickets and
24 demonstrations?

25 SERGEANT SALAS: We've had a few other demonstrations.

26 CHAIRMAN GREENE: Were you involved as an officer in
27 association with any of them?
28

1 SERGEANT SALAS: I may have been involved as being on
2 duty at the time.

3 CHAIRMAN GREENE: But none that brought about the kind
4 of concern and problems that this one brought about?

5 SERGEANT SALAS: That's correct.

6 CHAIRMAN GREENE: All right, Sergeant. Thank you very
7 much for your testimony.

8 SERGEANT SALAS: You're welcome.

9 CHAIRMAN GREENE: We have the other two officers who are
10 there to testify. I understand they have to return to work.

11 First Ms. Patty Clair.

12 Officer Clair, would you identify yourself and proceed
13 with your testimony concerning this matter as you wish.

14 OFFICER CLAIR: My name is Officer Patty Clair.

15 CHAIRMAN GREENE: Pull the mike up just a bit.

16 OFFICER CLAIR: My name is Officer Patty Clair. I'm a
17 Hospital Peace Officer I.

18 CHAIRMAN GREENE: Proceed with your testimony.

19 OFFICER CLAIR: Okay. On March the 3rd, 1986, we was
20 informed by Sergeant Salas that there would be a demonstration
21 here by CSEA and also a ground breaking ceremony. We was
22 informed that we are to monitor the traffic for the patients and
23 everything, and making sure everything goes smoothly, for the
24 grounds breaking ceremony.

25 We was assigned different posts and tasks. One of my
26 posts at one time was to observe around the ground breaking
27 ceremony and also monitor the back gate, the Eighth Street gate.

28

1 Okay. The demonstration -- demonstrators at one time
2 had came on ground and was proceeding toward the break -- ground
3 breaking ceremony. At that time I -- I observed James Conner,
4 Jim Conner, driving his El Camino very fast and pretty
5 recklessly. At that time I asked him to please park his vehicle
6 if he's going to be at the ground breaking ceremony.

7 He said, "Well, you're riding around." I said, "I'm
8 doing my job."

9 At that time he said, "Well, you're not going to have a
10 job because they're going to close this place down." I said,
11 "Would you please park."

12 At that time he parked his car, and I went on to monitor
13 the ground breaking ceremony.

14 The very same thing -- pretty calm at the ground
15 breaking ceremony, so I went back to my back gate. I'm not sure
16 what time, but at one time I called Sergeant Salas to come to the
17 back gate and I suggest that he close the back gate on the radio,
18 because they were blocking traffic.

19 He said, "Well, don't do anything. I'll be there and
20 I'll observe." When he showed up, he said, "Well, let me just
21 watch and see what they're doing."

22 As he observed, he went up to the gate to speak to
23 someone. I'm not sure, because I was parked in a different
24 direction. And then I turned around and I came up to the back
25 gate and I parked. After I parked, I seen the demonstrators was
26 gathering around Sergeant Salas and Officer Vannoy.

27

28

1 At that time they started pushing on me. I was on the
2 left side of the gate. They was on the right side facing
3 Bloomfield. I was on the left side.

4 At that time I grabbed hold of the gate because they was
5 pushing. I thought I was going to fall. Okay. They were
6 pushing the gate so rapidly that one time I ended up on the
7 outside of the gates. And at that time I turned around and I
8 heard a car right behind me, and it was James Conner in his El
9 Camino. And I screamed at him, I said, "Don't hit me. Please
10 don't hit me."

11 And he stopped, and he looked at me. And during the
12 time he was pushing his car toward me, there was demonstrations
13 -- demonstrators pushing the gate, pushing me into his vehicle,
14 trying to push me toward his vehicle. And he was coming one way,
15 and they was pushing me the other way.

16 At that time the suspect, Lee Chol Soo, well he was
17 later on identified as Lee Chol Soo, was pushing the gate, and he
18 was pushing it me so hard into the gate I pushed -- put my foot
19 up under the gate to block him from pushing me into the El
20 Camino. When I did that, I messed up my foot on the gate.

21 All right. After that, I turned and I looked to the
22 right after --

23 CHAIRMAN GREENE: What do you mean you messed up your
24 foot?

25 OFFICER CLAIR: Well, the gate rubbed my foot on the
26 top.

27 CHAIRMAN GREENE: Bruised it?
28

1 OFFICER CLAIR: Bruised it. Bruised it very badly,
2 okay?

3 CHAIRMAN GREENE: Did you receive treatment?

4 OFFICER CLAIR: Yes, here at the Hospital.

5 CHAIRMAN GREENE: Go ahead.

6 OFFICER CLAIR: At that time, I started -- I felt people
7 pulling on me. I said, "You stop pulling on me -- the gate,"
8 pushing me toward the El Camino. I felt people pulling on me
9 behind me, pulling me and pulling me down. I started screaming,
10 "Don't pull me down. Don't hurt me."

11 And so someone -- I heard someone from the crowd say,
12 "Let her go." So when they let me go, I turned and looked to the
13 right, and I seen Officer Vannoy, Officer Salas, and Officer
14 Asher on the ground. I couldn't even seen their faces, I just
15 seen them covered with people. And at that time I proceeded to
16 try to attempt to help pull some of the people off of Officer
17 Asher.

18 And it was one Black female, I don't know her name. She
19 said he had ahold to her, Officer Asher, and she was pulling her
20 down. And I told her, I said, "Let her go."

21 During that time, Sergeant Salas said, "Let's get in the
22 vehicle." I jumped into a patrol vehicle, and I was driving. He
23 said, "Let's go out Bloomfield."

24 We made -- we went southbound on Bloomfield, and he
25 said, "There's Lee. Let's get him."

26 Well, at that time we didn't know -- I didn't know the
27 name. He said, "There he is. Let's get him." He jumped out the
28

1 car, Sergeant Salas, okay, and I was driving because at first Lee
2 had tried to evade us, and I had went forward and he ran
3 backwards, and I went back and forth trying to get him, but then
4 Ralph jumped out, ran him down, he caught him. He cuffed him,
5 and when he put Lee in the car, I was so excited because I seen
6 James Conner coming and they were threatening and they were loud.
7 But I look off, and I had left Sergeant Salas standing in the
8 middle of the Street.

9 And the other officer say, "Hey, you left Ralph." So I
10 -- I put on my brakes, I backed back, and Ralph jumped in the car
11 and we took off.

12 Okay, we came back on the grounds. During that time one
13 of the officers was looking for items that they were missing. So
14 I was at the front gate with Lee, and they went to look for the
15 items that they had lost or were missing at the back gate.

16 Lee had complained that his handcuffs were too tight and
17 could I unloosen them. I said okay. I asked Officer Webber
18 would she come here with me and assist me in unloosening his
19 handcuffs.

20 At the time I was unloosening his handcuffs, James
21 Conner and some more people that I -- that I don't recognize came
22 up and say, "Hey, you can't do this to him. You can't hold him.
23 What are you doing? Where are you taking him?" Say, "Give him
24 here. You don't have the right to do this."

25 And so at that time I jumped back in my vehicle, and I
26 took of, and I called Sergeant Salas and I say, "Hey, they're
27 following me. They're trying to get Lee back."
28

1 He said, "Go to Norwalk Substation."

2 I went out the front gate, and I headed toward Norwalk
3 Substation, and I seen Connor behind me hollering and screaming
4 and stuff. So he said, "Turn on your Code Three." I turn on my
5 lights and sights, but I got stuck in traffic a little bit, and
6 then I proceeded to Norwalk Substation.

7 As I got ready to enter to turn into the parking lot,
8 Conner blocked me off and I -- at first I ended up going into the
9 wrong parking lot with Lee in custody. I ended up in the -- I'm
10 not sure if it's the library parking lot, but it's the parking
11 lot right next to the Sheriff's Substation.

12 And they were there at first, because Conner had blocked
13 my entrance to the Norwalk Substation. But then I ended up
14 coming back out, then I just -- I pulled up into the Norwalk
15 Substation and they heard -- some of the deputies heard so much
16 commotion they stepped out the door. And Conner was already out
17 of his vehicle at that time, standing up. When he seen the
18 deputies, he got back in his vehicle.

19 CHAIRMAN GREENE: When Sergeant Salas said, "Let's get
20 Lee," what was your understanding that you were getting him for?

21 OFFICER CLAIR: I don't know. I don't know.

22 CHAIRMAN GREENE: He just said, "Let's get him"?

23 OFFICER CLAIR: Yes. He said, "There he goes."

24 CHAIRMAN GREENE: Did you see anything that Lee had done
25 that would justify you getting him?

26 OFFICER CLAIR: Well, I know Lee was over there when
27 they were all down on the ground.
28

1 CHAIRMAN GREENE: But you said quite a few other people
2 were also, so did you --

3 OFFICER CLAIR: All the officers were down on the
4 ground, sir.

5 CHAIRMAN GREENE: So did you go and get the others?

6 OFFICER CLAIR: I beg your pardon?

7 CHAIRMAN GREENE: Did you go and get the others?

8 OFFICER CLAIR: Go and get the others? He was the only
9 one running toward -- out by hisself. He was down there by
10 hisself. The others was behind us.

11 CHAIRMAN GREENE: So as I say, what were you getting him
12 for over and above, separate and apart from --

13 OFFICER CLAIR: Sergeant Salas said he was going to
14 arrest him. What for I don't know. I didn't get a chance to ask
15 at that time. Later on I found out why.

16 CHAIRMAN GREENE: And as an officer, if another officer
17 tells you, "Let's get someone," you of your own knowledge,
18 information and experience and expertise see nothing that has
19 happened, you just follow along and go get him; do you?

20 OFFICER CLAIR: Experience and expertise, sir, it all
21 depends on what you mean by that. Because I never had that type
22 of situation come before me ever in my life.

23 CHAIRMAN GREENE: But you're an officer.

24 OFFICER CLAIR: Yes, I am. I've been here --

25 CHAIRMAN GREENE: You know what an officer's supposed to
26 do.

27

28

1 OFFICER CLAIR: I've been here 5½ years as an officer,
2 but I never experienced that before.

3 CHAIRMAN GREENE: Fine. If another officer says, "Let's
4 get him," you just go and get him?

5 OFFICER CLAIR: I've never been given any bad commands
6 by my superiors yet, so why -- why neglect on what they tell me?
7 They've never given me any bad commands yet.

8 CHAIRMAN GREENE: You indicated that you were in the
9 vehicle and you radioed, and you told Sergeant Salas that Mr.
10 Conner and the others were trying to get Lee back.

11 You indicated they were chasing you.

12 OFFICER CLAIR: Yes.

13 CHAIRMAN GREENE: You also indicate that the first time
14 they tried to cut you off was when you were at the Norwalk
15 Station; however, you had called in on the radio saying they were
16 trying to get Lee back during the period of time of the chase.

17 How were you able to ascertain that they were trying to
18 get Lee back rather than just chasing you? How were you able to
19 ascertain the difference in their intention?

20 OFFICER CLAIR: Because, sir, when I was loosening Lee's
21 handcuffs, they said that, "You can't do this. You have no right
22 to have him."

23 CHAIRMAN GREENE: All right, fine.

24 What about that is suggestive that they are trying to
25 get someone back?

26 OFFICER CLAIR: Because they said I had no right to have
27 him. "You can't hold him."
28

1 CHAIRMAN GREENE: But wait a minute. The fact that they
2 said you had no right, how does that suggest that they're trying
3 to take the individual away from you?

4 OFFICER CLAIR: Because --

5 CHAIRMAN GREENE: As I understand the statement, and you
6 can correct me if you understand it differently, they were
7 challenging or questioning your right to do that. Now, that's
8 what I would hear in that statement.

9 Now, how and what part of that do you also read into it
10 that they are going to try and take the individual away from you?

11 OFFICER CLAIR: Because the way they looked, the manner
12 they approached me, the -- they way they said what they said. It
13 wasn't a -- a conversation, sir. It was a shout. It was a
14 demand. They were running at me.

15 If you were coming up to talk to me, you walk. You
16 wouldn't run.

17 CHAIRMAN GREENE: I'm not suggesting that they were
18 coming up to shake hands, but you made a very critical point, and
19 I want you to explain in detail how you read that into it.

20 You say that because of the way they looked would
21 suggest that to you; right?

22 OFFICER CLAIR: No, the way they came toward me and the
23 manner they came at me.

24 CHAIRMAN GREENE: Were they running?

25 OFFICER CLAIR: Yes, they were. They were angry. They
26 expressed anger.

27

28

1 CHAIRMAN GREENE: And they challenged whether or not you
2 the right to take the individual.

3 OFFICER CLAIR: To have him, yes.

4 CHAIRMAN GREENE: Now, I want to find out, though, how
5 you interpreted that to mean that they were going to take the
6 person away from you, from everything that you've said.

7 OFFICER CLAIR: Well, that's what they lead me to
8 believe. They scared me into believe that, yes, sir.

9 CHAIRMAN GREENE: It's fair if you believe that. I was
10 just asking you how you could believe that.

11 OFFICER CLAIR: Because the manner of the -- of the
12 approach they came toward me.

13 CHAIRMAN GREENE: Are you a person that's easily
14 excitable?

15 OFFICER CLAIR: No, I'm not, sir.

16 CHAIRMAN GREENE: Have you been in physical situations
17 before?

18 OFFICER CLAIR: Yes, I have, sir.

19 CHAIRMAN GREENE: What was different about this one?

20 OFFICER CLAIR: This one? What was different about this
21 one? This one I got hurt very badly. This one it was me -- it
22 was me against 40-50 people that was employees that wasn't
23 supposed to be a danger.

24 CHAIRMAN GREENE: That weren't supposed to do what?

25 OFFICER CLAIR: Dangerous. There wasn't supposed to be
26 a danger.

27

28

1 Before, in situations when you're approaching a
2 combative patient, you expect danger. You don't expect danger
3 when you're approached by fellow employees that you've seen
4 around here for five years.

5 CHAIRMAN GREENE: Questions?

6 All right, thank you very much for your testimony.

7 We'll take a five-minute break.

8 (Thereupon a brief recess was
9 taken.)

10 CHAIRMAN GREENE: All right, let's go back to work.

11 Linda Vannoy, Officer Vannoy.

12 Officer Vannoy, welcome to our hearing. If you would
13 please, identify yourself and then you may proceed with your
14 testimony as you wish.

15 OFFICER VANNOY: Yes, sir.

16 My name is Officer Linda Vannoy. I am a Hospital peace
17 officer at Metropolitan State Hospital.

18 I was on duty March 3rd, 1986. In the morning hours, I
19 was assigned to the Fourth Street gate at 0740 hours.
20 Approximately at 800 hours, Sergeant Salas and the rest of the
21 officers, we had a minor briefing when we came on duty at 7:30,
22 and there was an additional briefing done at 8:00 o'clock at the
23 Fourth Street gate.

24 CHAIRMAN GREENE: Let me ask you so that we understand,
25 what is a minor briefing and then the briefing that you referred
26 to later?
27
28

1 OFFICER VANNOY: Okay. We have ten minutes at the
2 beginning of our shift to cover any problems.

3 CHAIRMAN GREENE: Anything that's going on.

4 OFFICER VANNOY: Right, anything that's going on.

5 And it was briefly discussed that there would be a
6 demonstration. Sergeant Salas would be speaking with the
7 administration that morning, and then he would give us additional
8 information as it arose.

9 At approximately 8:00 o'clock in the morning, we had a
10 little more detailed briefing that the ground break ceremony
11 would be going on, that there would be demonstrators from the
12 CSEA union, that they would be at the front of the gate, that
13 they were allowed to picket, but they would not be allowed to
14 block the entrance or exiting of any vehicles on the grounds.
15 That they would be allowed on the grounds for the grounds
16 breaking, but they were not go bring their demonstration signs on
17 grounds.

18 I remained assigned. Other assignments were given to
19 the other officers. I remained assigned to the Fourth Street
20 gate for the next couple of hours.

21 Approximately -- I'm not real sure of the time, probably
22 about 9:30 as an approximately, the demonstrators started
23 gathering at the front gate and were picketing. There were --
24 there was an occasion where a few of them were walking on the
25 street area of the entrance of the Hospital, somewhat blocking
26 traffic, but not a minor problem.

27

28

1 I went out and spoke with Mr. Conner and said, "Please
2 do not block the traffic," and they said, "Fine," there would be
3 no problem. And they did not block the traffic from then on in.

4 At approximately a little after 11, they broke up from
5 the front gate. I was told that the ground breaking ceremonies
6 itself were over, and the demonstrators proceeded down Fourth
7 Street to the Hospital on Blossom, some of them stopping at the
8 ground breaking ceremony, and the others continuing to the back
9 gate.

10 At that time Sergeant Salas was up at the Fourth Street
11 gate and got into the patrol van that I was driving. We were
12 just making our way through the traffic. As there were breaks
13 within the people, we'd kind of slide through them, breaking them
14 off a little bit more.

15 A few minutes later, Sergeant Salas received a radio
16 call from Officer Clair saying that there was a problem at the
17 back gate. So Sergeant Salas and I proceeded to the back gate.

18 I pulled my vehicle up approximately six to ten feet
19 behind the gate and parked it, and Sergeant Salas and I got out.

20 Sergeant Salas went up to a tall white gentleman -- I
21 don't know who he is, one of the CSEA demonstrators -- and began
22 speaking with him.

23 CHAIRMAN GREENE: Was the gate opened or closed at that
24 point?

25 OFFICER VANNOY: It was open, sir.

26 CHAIRMAN GREENE: Go ahead.
27
28

1 OFFICER VANNOY: It appeared that the people were in the
2 area, the entrance exits, of the Hospital. I did observe a
3 delivery truck on the north side of the gate -- let's see, let me
4 think about this -- it was on the north side of the actual gate,
5 closest -- as if it was going to come into the grounds. But it
6 was just sitting there at that time.

7 Sergeant Salas continued to speak with this gentleman.
8 I was not close enough to hear what was going on.

9 I observed an Oriental male wearing a red T-shirt, later
10 identified as Chol Soo Lee, several times come up to Sergeant
11 Salas. I did observe him pushing him with outstretched hands,
12 the shoulder area at one point.

13 CHAIRMAN GREENE: On that point, why wasn't he arrested
14 at that point on that occasion?

15 OFFICER VANNOY: I don't know, sir. I think Sergeant
16 Salas was trying to talk to the people at that point. I don't
17 know why he did not arrest him at that particular moment.

18 CHAIRMAN GREENE: Proceed.

19 OFFICER VANNOY: I also remember at one point in time
20 that several of Lee's peers were holding him back. It seemed
21 like he was increasing in agitation.

22 Sergeant Salas continued speaking with a gentleman from
23 CSEA, and things just started escalating. People started getting
24 real upset. And I remember the order of Sergeant Salas to close
25 the gate.

26 We went up and attempted to close the gate. I was on
27 the north side of the gate area. Officer Clair was on the south
28

1 side. And I remember trying to close the gate and the people
2 were just rushing in at that point in time.

3 Sergeant Salas -- then the people came in on the
4 grounds. Sergeant Salas said, "Let's get Lee," and we went over.
5 I assumed that we were arresting him for his previous behavior.
6 We restrained him, Sergeant Salas, Officer Asher and myself, on
7 the ground area just to the right of the gate, and several people
8 encompassed us, a large number of people, probably 40 or 50
9 demonstrators there.

10 I remember going to the ground, and at that time being
11 very fearful that I was going to be injured and there would be
12 nothing I could do about it. The crowd had been overwhelming at
13 that time.

14 Officer Clair was not in the immediate area at that time
15 dealing with Mr. Lee. I remember seeing her come up and people
16 started breaking away, and we got up. We all got into one patrol
17 vehicle, which Officer Clair was driving, and we saw Lee going
18 down southbound on Bloom field, and we pursued him.

19 He tried to evade us several times by running back and
20 forth, and we did finally stop, jump out, arrest him and place
21 him in the patrol vehicle.

22 CHAIRMAN GREENE: At the time you apprehended him, you
23 say he was on Bloomfield Street?

24 OFFICER VANNOY: Yes, sir.

25 CHAIRMAN GREENE: What is your authority to arrest a
26 person on public property?
27
28

1 OFFICER VANNOY: What is my authority to arrest somebody
2 on public --

3 CHAIRMAN GREENE: Or any of the officers here.

4 OFFICER VANNOY: Any of the officers? We are considered
5 Hospital peace officers, according to 830.4 of the Penal Code.
6 And if we observe a misdemeanor or have reason to suspect that a
7 felony has been committed, we can act upon that.

8 CHAIRMAN GREENE: What felony had been committed?

9 OFFICER VANNOY: I'm not -- I don't know if the charges
10 were originally written up -- assault on a peace officer is a
11 felony, but I don't know if it was written up as a felony or a
12 misdemeanor battery.

13 CHAIRMAN GREENE: It was written up as a misdemeanor.

14 OFFICER VANNOY: It was written up as a misdemeanor?

15 CHAIRMAN GREENE: That was the reason why I asked you
16 the question about arrest at the time of the commission of the
17 misdemeanor on State property, rather than following or later,
18 subsequent to the commission of the misdemeanor action on public
19 property.

20 OFFICER VANNOY: Yes, sir. I believe at the time we
21 were just attempting to control the crowd, and then when we did
22 -- we did attempt to arrest him the first time on State vehicle
23 (sic), but he did flee.

24 CHAIRMAN GREENE: I'll leave you at this point to settle
25 with the other folks. That should be a point.

26 Is there anything else that you would like to add to
27 your testimony?
28

1 OFFICER VANNOY: Well, like I said, I was greatly
2 concerned for my well being when I was down on the ground. I was
3 struck and kicked. I did receive minor injuries and was treated
4 at Metropolitan State Hospital Employee Clinic.

5 After we did have suspect Lee in custody and were
6 talking him to the Sheriff's Substation, we were pursued in a
7 reckless manner. I know that Officer Asher and Sergeant Salas
8 dropped back in their vehicles. Sergeant Salas in the white
9 sergeant's vehicle and Officer Asher in another patrol van,
10 blocking the traffic. It appeared that they were driving
11 recklessly in attempts to catch up with Officer Clair and Officer
12 Webber, who had Mr. Lee in their custody in their vehicle, and I
13 was in a patrol vehicle behind them.

14 CHAIRMAN GREENE: Do I understand correctly that there
15 were six officers involved altogether: Webber, yourself, Clair,
16 Salas, Asher --

17 OFFICER VANNOY: There were four officers and one
18 sergeant, sir.

19 CHAIRMAN GREENE: Four officers and one sergeant.

20 OFFICER VANNOY: Officer Webber was not -- not involved

21 --

22 CHAIRMAN GREENE: How many officers are there on the
23 premises on that shift on that date?

24 OFFICER VANNOY: On that date there were four officers
25 and one sergeant. Officer Webber was not involved --

26 CHAIRMAN GREENE: So in other words, you had your total
27 officer complement involved in this incident.

28

1 OFFICER VANNOY: Yes, sir, but Officer Webber, after the
2 ground breaking ceremony had broken up, had resumed her position
3 at Fourth Street, so she was not involved in the actual Eighth
4 Street incident itself until Lee had been transported back on
5 grounds, and she assisted Officer Clair.

6 CHAIRMAN GREENE: How long have you been an officer
7 here?

8 OFFICER VANNOY: Four years eight months.

9 CHAIRMAN GREENE: Have you, in your official duties,
10 taken part in any incidents similar to this over that period of
11 time?

12 OFFICER VANNOY: No, sir.

13 CHAIRMAN GREENE: Have you had training for handling
14 situations such as this?

15 OFFICER VANNOY: No, sir.

16 Prior to the incident, the only training I had was 832,
17 laws of arrest, search and seizure, which gives us peace officer
18 powers; a baton refresher course and mace; and a report --
19 40-hour report writing class.

20 CHAIRMAN GREENE: Was that in accordance with the law as
21 it relates to handling situations on public facilities rather
22 than the general public facilities?

23 OFFICER VANNOY: No, these are --

24 CHAIRMAN GREENE: Or is the same thing you would get as
25 if you were a member of any law enforcement --

26 OFFICER VANNOY: It's the same training that I would
27 get.
28

1 CHAIRMAN GREENE: So in other words, there's no
2 differentiation for the differences which exist in the law as it
3 relates to public employees.

4 OFFICER VANNOY: That's correct: 832 is a 40-hour class
5 dealing -- dealing specifically with the laws of arrest, search
6 and seizure.

7 After the incident, I did attend a 240-hour basic
8 specialized investigator class on my own to better make me able
9 to handle my job and provide me with more training.

10 CHAIRMAN GREENE: Questions?

11 Anything else you'd like to add, Officer?

12 OFFICER VANNOY: It was a very scary situation, sir, and
13 it got out of hand real quick.

14 CHAIRMAN GREENE: On both sides.

15 OFFICER VANNOY: I don't believe that we acted
16 inappropriately, sir. I think our attention -- I don't think
17 that we got out of control, sir, no. I think the other side did.
18 The people -- I think what happened was that there was a
19 mob situation with a lot people that got escalated very quick and
20 reacted without thinking.

21 I think the officers acted appropriately.

22 CHAIRMAN GREENE: I'm asking you for an opinion in this
23 question.

24 OFFICER VANNOY: Okay.

25 CHAIRMAN GREENE: What one thing kind of set it off in
26 that motion, in your opinion?

27 OFFICER VANNOY: In my opinion?
28

1 CHAIRMAN GREENE: And I'm asking you rather than the
2 other officers because your name was mentioned less by the
3 picketers. That would suggest to me that you were involved, you
4 were doing your duty, but maybe in their eyes they did not see
5 your activity as being as severe, or what have you. It kind of
6 suggests to me that I might want to ask that question of you.

7 And it's strictly an opinion. You don't have to answer
8 if you don't wish to.

9 OFFICER VANNOY: Okay.

10 I believe that when Sergeant Salas went up and was
11 speaking to the people with the intent of just eliminating the
12 problem of the driveway being blocked up, that the union people
13 just got a little more agitated. And I believe when we attempted
14 to close the gates, and Mr. Conner advised the union people,
15 "Everybody inside," that's when I believe the situation got real
16 totally out of control.

17 I believe that the union people kind of instigated it.
18 My opinion.

19 CHAIRMAN GREENE: After the gate closing.

20 OFFICER VANNOY: As we attempted to close the gate, sir.

21 CHAIRMAN GREENE: Oh, as you attempted.

22 OFFICER VANNOY: Right, as we were attempting to close
23 the gate, that's when everybody charged in and the situation
24 became totally out of control.

25 CHAIRMAN GREENE: Officer, thank you very much. That's
26 very, very helpful.

27 Mr. George Siela, Administrator.
28

1 Good morning, sir. If you will identify yourself, and
2 then you may proceed as you wish.

3 MR. SIELA: Good morning. My name is George Siela. I'm
4 the Hospital Administrator at Metropolitan State Hospital.

5 CHAIRMAN GREENE: Go right ahead.

6 MR. SIELA: I've worked at Metropolitan State Hospital
7 for about four years. As Hospital Administrator, I am
8 responsible for the nonclinical administrative departments that
9 we have on the facility. I work for the Executive Director of
10 this facility.

11 On the day in question, I have -- I agree with the
12 officers and the information that they've provided in regard to
13 the contacts that I had.

14 I did mention just in parting, I just put it in my own
15 words that I contacted the officers as early in the morning as I
16 could after we had our morning meeting. I told them that there
17 was nothing to be especially concerned about for the day except
18 that we will have a lot of visitors on grounds for the ground
19 breaking demonstration. At the same time, coincidentally, they
20 were to be aware that the CSEA would be demonstrating for
21 something other than what was going on at the ground breaking
22 demonstration; to know that we were eager to have any of the CSEA
23 members join us and participate in the ground breaking ceremony,
24 have lunch with us, and enjoy the morning.

25 But that we did not wish, and it was my understanding in
26 talking with the Executive Director that he had an agreement with
27 the union that they would not mix the two events. They would
28

1 demonstrate, do their demonstrating, and then if they wished to
2 join us, they would put down their pickets and join us in the
3 demonstration for the cogeneration plant.

4 During the -- I was at the dedication for the
5 cogeneration. I stayed -- remained with the group, had lunch
6 with the group. At the end of that point, I joined a member -- a
7 person from our headquarters staff, took that person on a tour of
8 the building that we refer to as CT East, which is adjacent to
9 the back gate and adjacent to Bloomfield that's been discussed
10 this morning.

11 We went into that building. There was no indication --
12 and I'm not sure of the time. I didn't look at my watch. It was
13 somewhere in the neighborhood of 1:00 o'clock. We proceeded to
14 tour that building.

15 About halfway through that tour, my beeper went off, at
16 which point I had to find a telephone. There was no phone in the
17 building.

18 I left the building and found a telephone in the
19 contractor's office. I called my offices and said, "What's up?"
20 I spoke with one of my assistants, Charlene Milborne. She
21 expressed that the CSEA was quite concerned. They had -- that
22 Mr. Funderburg and others were in my office, and they were at the
23 front trying to see either me or Don Z. Miller.

24 I said, "I'm on my way. I'll be right up."

25 I then left the area with the person that I was with
26 from headquarters, came to the front. And at the point of coming
27 through the front, I couldn't figure out what was up because I
28

1 hadn't seen any of the events at the back gate. The front gate
2 was very calm. There were still picketers moving up and down the
3 sidewalk.

4 I went into my office. At that point everybody had left
5 the scene. There was nobody there to talk to.

6 I went about my work, and then later on, probably the
7 next 15 or 20 minutes then, we then tried to patch together the
8 things that occurred.

9 That's it to the extent of my knowledge and involvement.

10 CHAIRMAN GREENE: Do I interpret your testimony
11 correctly, that the real concern, major element of all of this,
12 with the administration was the ground breaking ceremony?

13 MR. SIELA: That was --

14 CHAIRMAN GREENE: Seeing that that was not disrupted.
15 The Governor was going to be here.

16 You were very proud and very happy about the
17 cogeneration facility, which you're three years late on here,
18 which is not your fault. I know that because I Chair the Budget
19 Subcommittee that allocates the money for you to do that or not
20 to do it, and we're going to take them away from you next year.
21 We just don't have the money. You're too late. You didn't get
22 on line soon enough.

23 But do I understand correctly that that was really the
24 major, major concern? You wanted that go well. It's a great
25 accomplishment. The Governor of the State was going to be here.
26 You probably would have some local officials, some local elected
27 representatives.
28

1 Do I interpret your concerns correctly?

2 MR. SIELA: Well, partially.

3 But what I would like to express and make abundantly
4 clear is that we did not -- I did not have a great concern for
5 any disruption. I felt very confident --

6 CHAIRMAN GREENE: No, I wasn't speaking of that. I'm
7 talking about where you were really concentrating your attention.
8 You know, you've got several things going on that day. You
9 really wanted this to be the big one, and you wanted it to go
10 perfectly.

11 MR. SIELA: We did hope --

12 CHAIRMAN GREENE: That's where your real emphasis was.

13 MR. SIELA: -- it would be a very nice day for the
14 employees, for the Department, for --

15 CHAIRMAN GREENE: Particularly the administration.

16 MR. SIELA: -- the administration. But, I had -- I had
17 been -- and I did not have information that the Governor would be
18 here. That was not part of my agenda. That was something that
19 had been just mentioned, but I didn't have a strong indication
20 that he would be here and was not trying to organize for, you
21 know, a sort of a --

22 CHAIRMAN GREENE: Are you telling me that the Governor
23 of the State of California was coming to this installation, and
24 it is not known by all the administrative executive people? Is
25 that what you're telling me?

26 MR. SIELA: I'm telling you that I, as a person, had not
27 received solid information that would indicate that the Governor
28 was here.

1 I had heard people make that comment, that "well, maybe
2 the Governor will be here for this one," but I did not have --

3 CHAIRMAN GREENE: Who was the head of this Hospital?

4 MR. SIELA: Don Z. Miller is the Executive Director of
5 this Hospital.

6 CHAIRMAN GREENE: And Mr. Miller did not inform you that
7 the Governor was coming?

8 MR. SIELA: He did not tell me that the Governor was
9 coming.

10 We knew that there would be many dignitaries, interested
11 persons, parties. The invitations had been sent out, but he did
12 not indicate to me that the Governor was coming.

13 CHAIRMAN GREENE: I don't think the Governor's going to
14 like the fact that he's not announced in advance.

15 MR. SIELA: I had the impression that if he was coming,
16 we would have known it.

17 CHAIRMAN GREENE: What was that?

18 MR. SIELA: I think that if he had the intent of coming,
19 we would have known it.

20 CHAIRMAN GREENE: Did he come?

21 MR. SIELA: No, he did not come.

22 CHAIRMAN GREENE: Now, you said you were concerned, and
23 you indicated to the picketers or to your people that the
24 picketers were not to mix the two events.

25 What do you have reference to when you say that? As I
26 understand it, the picketers were here to protest the State's
27 action as relates to contracting out services.

28

1 MR. SIELA: Yes.

2 CHAIRMAN GREENE: The other is an event of celebration.

3 What do you have reference when you say you were
4 concerned that the picketers not mix the two events?

5 MR. SIELA: That their picketing would occur off
6 grounds, not on grounds, number one.

7 That whatever they did, whatever that they chose to do
8 would not place safety or hazardous concerns in relation to
9 either the patients or other employees.

10 And my main concern, I'll tell you right now, the main
11 concern was that traffic could move smoothly in and out, and that
12 visitors would be greeted, welcomed and directed to the place
13 that our ground breaking would occur. That -- the ground
14 breaking ceremony -- and other people with other issues would be
15 instructed, directed, to participate and enjoy themselves in the
16 ground breaking ceremony safely, without congestion, and if
17 nothing else, just have a nice lunch with us.

18 CHAIRMAN GREENE: How many people were here for the
19 ground breaking ceremony, approximately? Best guess.

20 MR. SIELA: Oh, my guess would be that possibly between
21 12 and 18 people to be on the podium during the day, and then
22 quite a number of visitors, interested parties, employees and --

23 CHAIRMAN GREENE: Moving to an area now which is of
24 direct concern and responsibility with you, what was the basis
25 for the decision that Mr. James Conner would not be permitted to
26 represent workers, their unionized workers, in the Department's
27 investigation of this matter?
28

1 MR. SIELA: I have -- I have no knowledge of that.

2 CHAIRMAN GREENE: You have no knowledge of it?

3 MR. SIELA: No knowledge.

4 CHAIRMAN GREENE: You do not know that that happened?

5 MR. SIELA: I'm not sure whether it did or didn't
6 happen.

7 CHAIRMAN GREENE: Were you involved at all in this
8 affair at that stage?

9 MR. SIELA: Which stage is this?

10 CHAIRMAN GREENE: The investigation of the activities
11 which had taken place.

12 MR. SIELA: No, no, I was not.

13 CHAIRMAN GREENE: You had no knowledge of what took
14 place? You were not a party to any of it?

15 MR. SIELA: I had some knowledge that we had outside
16 individuals. Headquarters had made various decisions at our
17 request that this investigation occur above the level of this
18 facility. But I was not involved in making any of those
19 arrangements.

20 CHAIRMAN GREENE: In other words, the investigation was
21 not conducted by people from this facility?

22 MR. SIELA: No, it was not.

23 CHAIRMAN GREENE: Whom was it conducted by?

24 MR. SIELA: Headquarters, Mr. Jim Shearer lead the
25 investigation.

26 CHAIRMAN GREENE: What is headquarters?
27
28

1 MR. SIELA: Headquarters in the Department of Mental
2 Health in Sacramento. I'm sorry, Senator.

3 CHAIRMAN GREENE: I asked you that way so we have it on
4 the record in a clear fashion.

5 MR. SIELA: Thank you.

6 CHAIRMAN GREENE: So that somebody reading it could
7 understand it who don't understand the jargon like you and I do.

8 All right, I was going to ask you about further
9 extending the investigation, but you were not a party to that so
10 I can't ask you that question.

11 Senators, any questions? All right, Mr. Lott from
12 Senate Health has some questions.

13 MR. LOTT: When you called your office and found that
14 some CSEA representatives were there looking to speak to someone
15 in authority, when you told the lady that answered the phone --

16 MR. SIELA: That's my assistant.

17 MR. LOTT: Your assistant, that you were on your way
18 back, to your knowledge did she communicate that to the CSEA
19 representatives, that you were on your way back?

20 MR. SIELA: I -- I don't think she did because there was
21 quite a delay in my getting to the phone. I think that -- I'm
22 just guessing right now, that they were probably on their way or
23 left the area, because I was in an area that had no phone. And
24 it took me probably 15 or 20 minutes to get to a telephone to
25 contact her.

26 MR. LOTT: Had she told you that they had been there, or
27 that they were there?

1 MR. SIELA: That they had been there.

2 MR. LOTT: Thank you.

3 CHAIRMAN GREENE: Thank you very much, sir. We
4 appreciate your contributions.

5 MR. SIELA: Thank you, Senator.

6 CHAIRMAN GREENE: Mr. Miller, Don Miller, Executive
7 Director.

8 Mr. Miller, thank you very much. If you will identify
9 yourself.

10 MR. MILLER: My name is Don Z. Miller. I'm Executive
11 Director of Metro State Hospital.

12 Senator Greene, staff, let me start with the beginning
13 and go through the story.

14 Approximately 10:30 on the morning of the 3rd, I walked
15 -- about 10:20, actually, I walked outside and spoke to Mr.
16 Conner and to -- and was introduced to Mr. Mayer, who was the
17 President of CSEA. Spoke to them very briefly about the
18 picketing that was going on, going to go on.

19 And they indicated to me that the picketing would take
20 part in the front gate and would not block any traffic. And I
21 think I expressed the fact that they would be welcome to join us
22 at the celebration that was going on back at the gate.

23 At 10:30, we went to the celebration where there was
24 probably, you know, 20 individuals from outside the Hospital in
25 the beginning. Then at some point, and I don't remember the
26 exact time, some of the pickets, because they were identifiable
27 because most of them wore an orange arm band, a ribbon, around
28

1 their arm, came up and joined in, very peaceful, had refreshments
2 with us.

3 The celebration there ended. I said my good-byes. I
4 went back and picked up Mr. Bill Silva, the acting Clinical
5 Director. We were going to go to lunch together, talk about some
6 other business.

7 At no time was I beeped while at lunch. I had no
8 knowledge of what had gone on until I got back, probably ten
9 minutes to one, something like that, and Charley Milborne
10 explained to me what had happened.

11 I called for as much knowledge as could be pulled
12 together rapidly from Mr. Howard Gibbons of my staff. If I
13 remember right, Sergeant Mobley, now Lieutenant Mobley, was there
14 also. And later that afternoon they briefed me on it.

15 At that time I got on the phone and called Doug Arnold
16 in Sacramento, who was my boss, and made the recommendation to
17 him that I felt this was a very sensitive area, and I felt the
18 investigation should be done outside the Hospital, by people
19 outside the Hospital.

20 The investigation at that time was turned over to Jim
21 Shearer, and he brought as his assistant another investigator.
22 So, they -- they conducted the investigation of the parties
23 involved.

24 The question had come up about did people know that the
25 Governor was coming.

26 I do not know where what I consider a rumor got started
27 that the Governor was coming. He had been invited. I knew that,
28

1 but I did not expect him for that, for a ceremony that size,
2 frankly.

3 CHAIRMAN GREENE: Well, I guess we were told that.

4 One thing I was trying to piece together in my mind is
5 really the connection between the ceremony and the demonstration.
6 I can't see that there would be any connection.

7 MR. MILLER: I think the pickets expected him to be
8 here.

9 CHAIRMAN GREENE: Really, I had a question in my mind
10 about why you even invited him to the ceremony?

11 MR. MILLER: I did not invite him because the
12 cogeneration facility was really put on by private companies that
13 are involved with it.

14 CHAIRMAN GREENE: Didn't you just say that you did
15 invite him?

16 MR. MILLER: No, I said he was invited.

17 CHAIRMAN GREENE: No, I'm talking about the picketers.

18 MR. MILLER: Oh, I invited them to the ceremony.

19 CHAIRMAN GREENE: But why? They were here to picket,
20 and they had a certain amount of time to picket, and their
21 purpose was totally different.

22 MR. MILLER: Well, I did a courtesy invitation to the
23 leadership of CSEA. You know, I did not go out and invite them.

24 CHAIRMAN GREENE: What about the ceremony would have
25 been of interest to them?

26 MR. MILLER: Well, one of the things, the person who was
27 most responsible for seeing that the cogeneration came to pass --
28

1 I heard you mention that it may be not coming to pass -- but was
2 it has gone this far --

3 CHAIRMAN GREENE: It was over three years behind.

4 MR. MILLER: Well, I understand that.

5 CHAIRMAN GREENE: Because I started putting money in the
6 budget four years ago.

7 MR. MILLER: I understand that, but the person that's
8 been most involved in putting that together is Charley Oswald,
9 our Chief of Plant, who's been an employee basically, I believe,
10 most of his years at this hospital, for about 36 years, and I
11 believe he's still a member of CSEA.

12 CHAIRMAN GREENE: What would that have to do with it?
13 Was he one of the pickets?

14 MR. MILLER: No, he was not one of the pickets, but he
15 was one of their members and has long been a supporter of them.

16 It was a courtesy invitation.

17 CHAIRMAN GREENE: You don't even know if they knew that
18 he had anything to do with the --

19 MR. MILLER: No, it was a courtesy invitation. That was
20 it.

21 CHAIRMAN GREENE: I was just trying, because it just
22 didn't ring true and clear with me. I know if I were a picket --
23 I'm getting personal now -- the last thing on my mind would be a
24 ceremony, but maybe I'd be a different kind of picket.

25 MR. MILLER: A number of them did come.

26 CHAIRMAN GREENE: What was so sensitive about this? You
27 indicated to Doug Arnold, who's the one that begged the case for
28 the cogeneration --

1 MR. MILLER: CSEA, which is one of the major unions if
2 not the major union, it represents not only, you know, a number
3 of work forces -- the nurses, the janitors, the laundry workers,
4 the secretaries -- but it's one of the major labor organizations
5 that we have to deal with, and the fact that the peace officers
6 on the payroll at the Hospital had been involved in this, and I'm
7 going to ask an investigator, plus the fact the investigator has
8 just returned from a long illness, which I felt would put a lot
9 of pressure on him. I felt it would be better if it was done
10 more independent, and Doug Arnold agreed with me, than my own
11 person, investigator here.

12 CHAIRMAN GREENE: In other words, you were of the
13 opinion that a person who was 400 miles away --

14 MR. MILLER: Could be more objective.

15 CHAIRMAN GREENE: -- who was dealing with total
16 second-hand information would be able to conduct a more thorough
17 investigation than a person --

18 MR. MILLER: I think he could conduct --

19 CHAIRMAN GREENE: -- or would be able to -- what would
20 differ?

21 MR. MILLER: I think he could conduct a more thorough --
22 as thorough an investigation because everything would be
23 available to him, but I also believed that a -- I was looking
24 forward that, you know, I realized however the investigation
25 would come out, there would be some questions about the findings,
26 and I felt there would be more questions if it were done
27 internally than if it were done externally.
28

1 CHAIRMAN GREENE: Did you give the order, or did you
2 suggest, or were you a part of any conversation to Sergeant Salas
3 to close the gate at any time?

4 MR. MILLER: I was not.

5 CHAIRMAN GREENE: Did you talk to the Sergeant about
6 what action he should take if traffic were interfered with?

7 MR. MILLER: I had no conversation with Sergeant Salas.

8 CHAIRMAN GREENE: So you were not a part of this?

9 MR. MILLER: No.

10 CHAIRMAN GREENE: Have you done an investigation of this
11 on your own, just so you are aware and you can be assured that
12 Mr. Arnold is covering all the points that should be covered?

13 MR. MILLER: Well, I've talked about the investigation
14 with Jim Shearer, and he's briefed me on all the points that has
15 covered. I think it has been quite thorough.

16 CHAIRMAN GREENE: Did you brief him as well?

17 MR. MILLER: Pardon?

18 CHAIRMAN GREENE: Did you brief him as well?

19 MR. MILLER: I briefed him about the Hospital, yes.

20 CHAIRMAN GREENE: And about the incident?

21 MR. MILLER: As much as I knew, yes.

22 CHAIRMAN GREENE: Did you have anybody else in to talk
23 with him prior to the official opening of his investigation, say,
24 a briefing prior to --

25 MR. MILLER: I think I would say that when Mr. Shearer
26 came to the Hospital, he was starting his investigation, and that
27 I'm probably a part of that investigation.
28

1 CHAIRMAN GREENE: What is the status of the
2 investigation at this point?

3 MR. MILLER: I think at this point it has been
4 completed, and there's a transcript of the investigation. I have
5 no plans to go further.

6 CHAIRMAN GREENE: There is a transcript?

7 MR. MILLER: Yes.

8 CHAIRMAN GREENE: What was the last part of your
9 comment?

10 MR. MILLER: I said I know of no plans to continue the
11 investigation beyond it at this point.

12 CHAIRMAN GREENE: Do you know when action might be taken
13 in line with the investigation's findings?

14 MR. MILLER: Well, I think some actions have taken
15 place. My understanding is that an additional four people have
16 had charges filed against them with the D.A.

17 CHAIRMAN GREENE: What were those charges and who were
18 the people?

19 MR. MILLER: I couldn't speak to those specifically. I
20 could not recall.

21 And that also it's my understanding that there has been
22 an unfair labor practices filed against the Hospital about this
23 with the Labor Relations Board.

24 So, there's a criminal legal action taking place, and an
25 action taking place --

26 CHAIRMAN GREENE: Are you familiar with the Public
27 Employees' Employment Act?
28

1 MR. MILLER: Not specifically, no. I'm not an expert on
2 the law.

3 CHAIRMAN GREENE: But you are the Executive Director.

4 MR. MILLER: That's correct.

5 CHAIRMAN GREENE: And you do have to handle personnel.
6 Do you sit in on the negotiations on anything?

7 MR. MILLER: No, I have never sat in on negotiations
8 with one of the unions on contract.

9 CHAIRMAN GREENE: But you weren't here at the last
10 contract.

11 MR. MILLER: But I was at another institution, and I
12 still never sat.

13 CHAIRMAN GREENE: Were you the Executive Director?

14 MR. MILLER: Yes, I was.

15 CHAIRMAN GREENE: So the Executive Director does not sit
16 in on the --

17 MR. MILLER: There is a selection of a contract
18 negotiation team by the administration, and it's my understanding
19 that the chief negotiator is usually someone from the Department
20 of Finance.

21 CHAIRMAN GREENE: In other words, the administration
22 doesn't give you any say in it?

23 MR. MILLER: Practically none.

24 CHAIRMAN GREENE: Do you have any knowledge of whether
25 or not refusing to permit employees to be represented by their
26 designated representatives, do you have any knowledge whether
27 that does not violate the Public Employees' Employment Act?
28

1 MR. MILLER: Whether I would let an employee be
2 represented by the union?

3 CHAIRMAN GREENE: No, no. I said do you have any
4 knowledge as to whether or not refusing to let employees be
5 represented by a representative of their own choosing, do you
6 have any knowledge as to whether or not that is or is not --

7 MR. MILLER: It's very illegal.

8 CHAIRMAN GREENE: It's very --

9 MR. MILLER: Illegal.

10 CHAIRMAN GREENE: Great, we got that on the record.

11 I have no further questions, sir. You closed out
12 wonderfully.

13 Mr. Burraston.

14 MR. BURRASTON: I have one question.

15 The union said that they were having difficulty finding
16 someplace to file a complaint against the police, and that they
17 had one. They went to the Sheriff and around.

18 Do you have a procedure for handling complaints against
19 the Metro police?

20 MR. MILLER: We always have procedures for filing of
21 complaints against employees.

22 MR. BURRASTON: Just employees.

23 MR. MILLER: That would include --

24 MR. BURRASTON: Did you do an investigation of the
25 allegations of the union against the police?

26 MR. MILLER: That's a part of the over all
27 investigation.
28

1 MR. BURRSTON: What's the status of that then?

2 MR. MILLER: As far as I'm concerned, the investigation
3 at this point shows that as far as I can see they did nothing
4 wrong.

5 MR. BURRSTON: So that's final and it's over?

6 MR. MILLER: Insofar as the investigation shows so far.

7 CHAIRMAN GREENE: But does the law require that you only
8 file when you did or did not do something wrong? Does the law
9 speak to whether or not any of their rights were denied?

10 MR. MILLER: Senator Greene, I would suggest --

11 CHAIRMAN GREENE: Which doesn't necessarily mean it's
12 wrong, but it's in violation of law.

13 MR. MILLER: I understand.

14 I would suggest that there is a lot of room for
15 improvement in relations between unions and administration
16 throughout, because we haven't been it very long.

17 CHAIRMAN GREENE: But we do have a law, which we've had
18 before --

19 MR. MILLER: That's correct.

20 CHAIRMAN GREENE: In fact, we had the law when this
21 Governor was a colleague of mine in the Legislature and when he
22 came and asked me for votes.

23 So, we've had a law that's been there --

24 MR. MILLER: That's correct.

25 CHAIRMAN GREENE: -- before you were here, before he was
26 where he is. I'm still where I was.

27

28

1 MR. MILLER: I think the law is very clear that people
2 have a right to have their representation.

3 CHAIRMAN GREENE: As a worker, we don't think it's
4 worked very well, but other folks feel that it's acceptable.

5 MR. MILLER: The only thing I can say is, personally and
6 professionally and in my job, I believe that every employee has
7 the right to be represented with somebody that he chooses.

8 CHAIRMAN GREENE: All right, Mr. Lott.

9 MR. LOTT: Approximately what time again did you state
10 that you first became aware of the incident on the date of the --

11 MR. MILLER: About ten minutes to one, if I recall.

12 MR. LOTT: And you did say that you do carry a beeper?

13 MR. MILLER: I carry a beeper at all times. I was not
14 beeped.

15 MR. LOTT: You were not beeped.

16 MR. MILLER: No, sir.

17 MR. LOTT: What are the protocols for your being
18 notified of a patient incident involving your police force or
19 this type of situation?

20 MR. MILLER: I am called or beeped 24 hours a day on any
21 major incident involving a patient.

22 If, for example, an ambulance is called on these grounds
23 at 3:00 o'clock in the morning because somebody's sick, I will
24 receive a phone call.

25 MR. LOTT: The CSEA representatives stated earlier that
26 when they went to the front office to try and find someone in
27 authority to talk to, they were told that no one was available,
28 or words to that effect.

1 What guidelines do your staff or your assistants have to
2 use to determine when to beep you?

3 MR. MILLER: Basically it's a judgement call as to
4 whether it's important enough to beep me or not.

5 I've tried to check into that. As near as I can
6 determine, what was heard -- and I can't say what was said
7 because I wasn't there -- but what was heard is, there was a
8 request for the Hospital Administrator. That's the civil service
9 title of Mr. Siela, and that's the reason it got triggered in
10 that direction not in mine.

11 Now, I can't -- that's what was heard, I believe,
12 because, you know, I was not beeped.

13 MR. LOTT: Thank you.

14 CHAIRMAN GREENE: Mr. Miller, do you have any idea what
15 just might have gone wrong? You were not on the scene, so you
16 can kind of step back in your hearing of people reporting to you
17 on all sides and what have you.

18 I understand that you have not been here in this
19 specific post for a full year yet, however you've held other
20 posts.

21 Really the reason I'm asking it, once again, is you are
22 somewhat removed from the actual struggle, as Officer Vannoy was,
23 or appeared to be more removed than the other officers. You are
24 still a bit more removed, and it really is a question of
25 searching more than trying to nail down. And I'm asking for a
26 personal opinion.

27 MR. MILLER: I respect that.

28

1 I will try to answer as honestly as I can because I, you
2 know, I was not there.

3 I feel for some reason there was a degree of excitement
4 that built up by the CSEA picketers at the back gate, enough so
5 the first officer got concerned, called for Sergeant Salas.

6 I think, you know, here Sergeant Salas showed good
7 judgment, that he left his mace and his nightstick in the car,
8 went up and tried to discuss the situation. Somehow this did not
9 cool it.

10 I think there was some outside agitators, not employees
11 of the State per se. I believe --

12 CHAIRMAN GREENE: Babies, wives and children?

13 MR. MILLER: No, I'm -- I'm speaking about perhaps some
14 union representative, but not specifically CSEA.

15 I think things escalated. They got out of hand, and
16 then fright took over, I think, and I hate to say this about my
17 officers, not necessarily Mr. Salas, but I think some of the
18 other officers got scared as hell. And when you've got a
19 frightened --

20 CHAIRMAN GREENE: One did anyway.

21 MR. MILLER: When you've got excitement on the one hand
22 and fear on the other, you've got a volatile mixture.

23 I can't speak to CSEA, why it escalated on that side. I
24 can speak, I think, in response.

25 CHAIRMAN GREENE: I wanted to phrase it as fairly as
26 possible because it was really kind of a fishing or exploratory
27 question, because I keep getting a hunch in my computer up here
28

1 that it might have been adversarial, but then something sparked
2 it to another level.

3 I don't want to say on the record what I think it is,
4 because I think that would be unfair to the transcript. I want
5 to at least be as fair in the remarks as I can be.

6 And you don't see it the same way, and you might not
7 even be referring to the same thing, but I hear a sense of what
8 my computer --

9 MR. MILLER: I imagine we're closer to agreement,
10 probably.

11 CHAIRMAN GREENE: All right. Thank you, sir, very much.

12 MR. MILLER: Thank you.

13 CHAIRMAN GREENE: It's been nice. I'm sorry we have to
14 come down here on an occasion like this.

15 MR. MILLER: I want to tell you and the rest of your
16 Members that are now here present, I think I've mentioned it to
17 them independently --

18 CHAIRMAN GREENE: This is not a place that's first on my
19 list to visit.

20 MR. MILLER: Thank you.

21 CHAIRMAN GREENE: Thank you very much.

22 Let me indicate that we have on our list Mr. Shearer and
23 Mr. Willette, but I'm not going to call either gentleman because
24 I do not want to do anything in this hearing that might be
25 interpreted by the PERB Board as inappropriate probing. The
26 investigator's findings, and opinion, and ideas, what have you,
27 will be a matter of record. It can be challenged at that time.

1 I don't want to do anything that would be on the one
2 hand maybe prejudicial by virtue of our conduct to the workers,
3 and let me say very honestly and very candidly, which could be
4 interpreted or representative as being unfair to the
5 administration. So for that reason I will not call those two
6 gentlemen, and I will have my comments and the reason as a matter
7 of record.

8 Mr. James Moore. Is he available?

9 All right, Ruby Lee Foster.

10 If you would, please, identify yourself and then proceed
11 with your testimony as you wish.

12 MS. FOSTER: Yes. My name is Ruby Lee Foster. I am the
13 President of Chapter 77 here at Metropolitan State Hospital.

14 To refer back to why that the picketers organized that
15 day, we had received a bulletin from, like we receive every day,
16 that the Governor was going to be here. And he had intended to
17 demonstrate the day before, but we decided to wait until the 3rd,
18 that the Governor was going to be here. We had several bulletins
19 that his name appeared in the bulletins that we receive daily.

20 Okay, that was several persons from different hospitals
21 and other places here picketing. And what I observed of the
22 picket line was that Sergeant Salas drove the vehicle up to the
23 gate and locked that vehicle to the gate at that particular time.

24 And I also observed that they was in a crowd, had this
25 one particular person down on the ground, beating him up, with a
26 red shirt on, and later on I learned his name was Chol Soo Lee.

27

28

1 And also, I was approached by one of the officers to
2 identify someone in the picket with a white sweater on, which I
3 could identify because I didn't know everyone that was there.

4 I felt that it was inappropriate for the police officer
5 to be, you know, closing us outside of the gate at that
6 particular time. And some of my co-workers was hurt, injured, in
7 that particular incident on that date, March the 3rd, 1986.

8 At no time that Mr. Jim Conner showed any disrespect to
9 any of us, you know, any particular demonstrator, what I saw of
10 him that day. I did not see any disrespect towards Mr. Jim
11 Conner on driving his car, blocking any entrance. Nobody
12 blocking any entrance of the gate of Eighth Street-Bloomfield out
13 on the back.

14 I saw a red truck parked on the side when we was
15 demonstrating. A red truck was parked there. And I also saw
16 that the officer drove their car up against the people that was
17 coming in the gate with force, and it was locked to the gate.
18 And they proceeded off the grounds with -- in another direction,
19 going off the grounds towards Imperial Highway, all four of them
20 in the same vehicle.

21 That left three vehicles sitting in the Eighth Street
22 entrance back there blocking traffic. Their vehicle was blocking
23 the traffic.

24 That's all I have to say.

25 CHAIRMAN GREENE: Let me ask you a question.

26 Are you going to have any way of showing your side, the
27 workers' side, of the issue on that particular point as opposed
28

1 to the comments made by the officers? Are you going to be able
2 to show clearly so that someone who wasn't there and is looking
3 at, say, a transcript, looking at one or two of the investigation
4 reports, is going to be able to come to some kind of judgment on
5 their own?

6 Are you going to be able to bring forth enough points
7 stated by enough people that would call their testimony into
8 question?

9 MS. FOSTER: Well, there was some other persons there
10 that saw the car being locked to the gate, and they are not here.
11 They are employees here. They're afraid to come forward to
12 testify.

13 CHAIRMAN GREENE: I'm not necessarily speaking of
14 testifying to us, but they would have to testify at some point in
15 time.

16 Let me ask you another question. If, per chance, the
17 Public Employees' Relations Board should not rule in your favor,
18 are you prepared to take this to court?

19 MS. FOSTER: Me?

20 CHAIRMAN GREENE: I don't mean as an individual, but did
21 you say that you are the President of the Local here?

22 MS. FOSTER: I'm the President of my chapter here.

23 CHAIRMAN GREENE: All right.

24 Is your Local or your chapter, in your opinion, if they
25 should get an unfavorable ruling from PERB, do you have any
26 knowledge as to whether or not they would be ready to pursue this
27 in court?
28

1 MS. FOSTER: I'm not ready to answer that question right
2 this minute.

3 CHAIRMAN GREENE: All right, that's fine.

4 Questions? Mr. Lott.

5 MR. LOTT: The demonstration was planned as a result of
6 the information you got out of the bulletin?

7 MS. FOSTER: Yes.

8 MR. LOTT: The Metropolitan State Hospital Bulletin,
9 that's a daily that's printed, published by the Hospital here?

10 MS. FOSTER: Yes, and it was in that daily bulletin for
11 about four to five days that the Governor was going to be here
12 March the 3rd at the ground breaking ceremony for the
13 cogeneration plant. It was in the daily bulletin.

14 MR. LOTT: Just for further clarification, did it say
15 that the Governor was coming, or did it say the Governor was
16 invited?

17 MS. FOSTER: It said the Governor was coming. That's
18 what I read.

19 MR. LOTT: To your knowledge, how is input to this
20 bulletin determined and who approves it?

21 MS. FOSTER: I don't know who approves the bulletin.

22 MR. LOTT: You don't have any idea of that.

23 MS. FOSTER: I don't. But I know we get them daily.
24 They have limited the things that goes in the bulletin,
25 though. Someone has say-so about what goes into it.

26 MR. LOTT: To the best of your knowledge, it's the
27 management of the Hospital that oversees that publication?
28

1 MS. FOSTER: Yes.

2 MR. LOTT: And this publication did state, contrary to
3 what management stated earlier, that the Governor was coming to
4 this ground breaking ceremony.

5 MS. FOSTER: That's what we received in the daily
6 bulletin, and we got several bulletins on it. If my memory
7 serves me right, I might be able to find one at my house.

8 CHAIRMAN GREENE: That would certainly be helpful.

9 MR. LOTT: Thank you.

10 CHAIRMAN GREENE: In fact, please see if you can get
11 hold of a copy of one that stipulates that.

12 MR. LOTT: I will, sir.

13 CHAIRMAN GREENE: Do you have the mailing addresses?
14 Make certain that you talk with either Mr. Lott or Mr. Burraston
15 when we conclude.

16 All right, thank you very much. We appreciate your
17 testimony.

18 We have one more witness; Officer Asher wishes to
19 testify.

20 Officer Asher, would you please come forward? She can
21 change the paper while you're coming forward.

22 Officer Asher, thank you very much. I appreciate your
23 willingness to testify.

24 If you would, please, identify yourself, and then you
25 may proceed with your testimony.

26 OFFICER ASHER: My name is Officer Linda Asher.
27
28

1 CHAIRMAN GREENE: I think you'll have to talk into the
2 microphone.

3 OFFICER ASHER: Officer Linda Asher, HPO I, here at
4 Metropolitan State Hospital.

5 Where should I begin?

6 CHAIRMAN GREENE: From the top.

7 OFFICER ASHER: The morning of March 3rd --

8 CHAIRMAN GREENE: We're not trying to guide you, so just
9 however you wish to explain it. We wait until after you've said
10 it, then we come at you.

11 OFFICER ASHER: Okay.

12 The morning of March 3rd, at approximately 8:00 o'clock,
13 I was on patrol with my sergeant, Ralph Salas. And we saw a man
14 handing out -- at the Fourth Street gate entrance, handing out
15 the papers, I guess, CSEA papers, as they often do. And my
16 sergeant asked me to roll down my window and speak to him and ask
17 him where his leader was. And he told us that his leader was Jim
18 Conner, and pointed us out to him.

19 We spoke to Mr. Conner, and we asked him what his plans
20 were for the demonstration. And he said that the people will be
21 picketing outside the gate with signs, people, I believe he said,
22 Sacramento, Stockton and other hospitals nearby.

23 And anyway, so my sergeant wanted to speak to Mr. Siela,
24 Hospital Administrator here. And Mr. Siela asked that we explain
25 to these demonstrators that they can come on grounds as private
26 persons; that is, leaving their signs outside the front gate, but
27 they can't come on the grounds with the signs.

1 And Mr. Conner said that he would have to check on this,
2 and later on, when were at the Fourth Street guard shack, Mr.
3 Conner came up to us and said that he checked and that's --
4 that's what his people were going to do.

5 During the ceremony, we were all positioned in different
6 areas to keep a watch that no incidents occurred -- would occur.
7 And I was stationed at the ground breaking ceremony, and over the
8 radio Officer Vannoy had said that the demonstrators had dropped
9 their signs and were walking peacefully through the grounds
10 towards the ground breaking ceremony.

11 And I was at the ground breaking ceremony. And I saw
12 them come by, and there was no problem.

13 But shortly after, I heard Officer Clair saying that
14 they were blocking -- the demonstrators were blocking the
15 entrance at the Eighth Street gate. And she asked that Sergeant
16 Salas come back and evaluate the situation.

17 I then asked Sergeant Salas if he'd like me to assist at
18 the back gate. He said, "No, no. Keep patrolling the area by
19 the ground breaking ceremony."

20 I did, but I didn't hear anything over the radio for a
21 while, and instinctively I went to the back gate. When I drove
22 up to the back gate, I think I saw --

23 CHAIRMAN GREENE: Let me ask you a question at this
24 point. -

25 So in other words, you were leaving your place of
26 assignment; correct?

27 OFFICER ASHER: Yes, sir.

1 CHAIRMAN GREENE: And on your own you were going to the
2 back gate?

3 OFFICER ASHER: Yes, sir. My --

4 CHAIRMAN GREENE: What was the reason for that?

5 OFFICER ASHER: My sergeant said, "Patrol the area a few
6 more times before you leave." I did, and I felt the next place I
7 should have gone was at the back gate.

8 When I arrived at the back gate, I saw approximately 50
9 demonstrators, many with signs, screaming and yelling. I think I
10 saw approximately four demonstrators on the Bloomfield side of
11 the gate. I saw Officer Clair holding on to the Eighth Street
12 gate itself. I saw Jim Conner outside of his vehicle. I saw
13 Robert Simms pushing the car that Sergeant Salas was in with his
14 hip, rocking it, while another white male -- I don't know his
15 identity -- was pushing it with his hip on the other side,
16 rocking it.

17 Sergeant Salas was attempting to get the -- the car
18 through, and either side -- I don't know which way -- so as to
19 close the gate, but the demonstrators would not allow.

20 There was another white male pulling the gate into
21 Officer Clair. I saw him hurt her foot. I saw her screaming for
22 the people to get away from her, but they didn't.

23 I got out of my vehicle. When I got out of my vehicle,
24 I saw an employee named Mary Sosa with a stick that appeared to
25 have had a sign attached to it; the sign was removed. She was
26 banging it on the ground behind Sergeant Salas' car. She moved
27 out of the way.

1 Sergeant Salas called me to talk to him and said -- he
2 asked me to get out of my vehicle. I got out. There was very
3 little time for talking.

4 We were concentrating on getting the officers out of
5 this hostile and combative crowd.

6 CHAIRMAN GREENE: When you say "combative," what do you
7 mean?

8 OFFICER ASHER: They were combative in their movements
9 with the sign, with the screaming and the yelling.

10 CHAIRMAN GREENE: Other than Officer Clair, who said, I
11 think, that she injured her foot --

12 OFFICER ASHER: The rocking of the vehicle, the banging
13 the gate into Officer Clair. I think this proves --

14 CHAIRMAN GREENE: But that's threatening of property,
15 not of individuals.

16 OFFICER ASHER: But it's -- it's a state of being, and
17 they were combative.

18 CHAIRMAN GREENE: It's a state of being that indicates
19 what?

20 OFFICER ASHER: Hostility.

21 CHAIRMAN GREENE: But hostility being taken out on what?

22 OFFICER ASHER: Evidently property and officers, too.

23 CHAIRMAN GREENE: What officers? You see, there was
24 only one officer injured now. Officers were thrown to the
25 ground.

26 OFFICER ASHER: No, sir. I believe there was more than
27 one officer injured. Myself, I was injured. Officer Vannoy was
28 injured. Officer Clair was injured.

1 CHAIRMAN GREENE: How were you injured?

2 OFFICER ASHER: I had to go to the Employee Clinic with
3 multiple bruises, and scratches, and muscle spasms. I had to get
4 medication and first aid applied.

5 CHAIRMAN GREENE: Muscle spasms?

6 OFFICER ASHER: Yes, sir.

7 CHAIRMAN GREENE: Proceed.

8 OFFICER ASHER: Officer -- I mean Sergeant Salas was
9 approached by a White male, I don't know his identity either, in
10 a blue jacket wishing to talk to him. I thought I'd provide an
11 area in which they could speak, but I was approached by another
12 White male who was pushing me, trying to get to talk to Sergeant
13 Salas. I asked this man that he leave them alone; they need to
14 speak.

15 He pushed past me. At that time I saw an Oriental man
16 go by me on my right side, pushed my arm, ran past me. And at
17 that time he swung and hit Sergeant Salas.

18 CHAIRMAN GREENE: Now, that was combative.

19 OFFICER ASHER: Yes, sir, like the other -- like the
20 other motions, too.

21 Then the crowd came past us and approached Sergeant
22 Salas. There was no longer any talking between these two men.

23 CHAIRMAN GREENE: Did Sergeant Salas appear to be quite
24 angry and upset?

25 OFFICER ASHER: No, sir.

26 CHAIRMAN GREENE: Just didn't like this at all?

27 OFFICER ASHER: No, sir.
28

1 CHAIRMAN GREENE: Okay.

2 OFFICER ASHER: Most of the time of this incident, we
3 were reacting not acting. We didn't have an opportunity.

4 CHAIRMAN GREENE: Well, you know, you can react in that
5 manner.

6 OFFICER ASHER: We didn't have a chance.

7 Sergeant Salas told me, "We're going to place this man
8 under arrest," pointing to the Oriental man.

9 CHAIRMAN GREENE: Did he tell you why?

10 OFFICER ASHER: I knew why. I saw him hit him.

11 CHAIRMAN GREENE: All right.

12 OFFICER ASHER: So, we proceeded to work our way through
13 the crowd towards this man, and a lot of the demonstrators had
14 provided protection with their bodies so that we couldn't get at
15 him easily.

16 We did. I grabbed his left side, his left arm.
17 Sergeant Salas grabbed his right arm. And we were going to take
18 him to the vehicle.

19 About four or five people grabbed Sergeant Salas and
20 pulled him away. I was left hanging on his left side being drug.
21 I felt many hands pulling at me, and I was -- I had to let go. I
22 let go. And I was thrown to the floor -- to the ground and --

23 CHAIRMAN GREENE: Were they pulling at you at numerous
24 points?

25 OFFICER ASHER: Yes, sir. Many times when we were in
26 the crowd.

27

28

1 CHAIRMAN GREENE: Did they rip any of your equipment or
2 clothing off of you?

3 OFFICER ASHER: No, sir.

4 CHAIRMAN GREENE: So they weren't pulling hard enough to
5 do that.

6 OFFICER ASHER: They were pulling at my body, not at my
7 equipment.

8 CHAIRMAN GREENE: Yes, but you had clothes on your body.

9 OFFICER ASHER: That's right.

10 CHAIRMAN GREENE: And they --

11 OFFICER ASHER: They weren't tearing -- they wanted me
12 to break away from them in that manner, so if they pulled my
13 clothes, it wouldn't accomplish that. They pulled at my body.

14 CHAIRMAN GREENE: All right. Go on.

15 OFFICER ASHER: Anyway, I was on the ground. I remember
16 getting up. Sergeant Salas was up. I didn't see where the other
17 officers were.

18 Sergeant Salas made a motion to come to the vehicle that
19 was blocked in the gate. We got in the car. We saw the Oriental
20 man running down Bloomfield with another man running behind him
21 towards Imperial.

22 We got in the car. I remember the demonstrators yelling
23 sort of happily that we were fleeing. I don't believe they knew
24 that we were going to complete this arrest.

25 We approached the man in the vehicle halfway between the
26 Eighth Street gate and Imperial on Bloomfield. He ran in circles
27 across Bloomfield. We chased him in the vehicle. He stopped
28 when he was on the west side of Bloomfield.

1 Myself, Officer Vannoy, Sergeant Salas placed him under
2 arrest, handcuffed him, placed him in the car. At that point Mr.
3 Conner drove up and he said, "You kicked him," and he pointed to
4 another demonstrator. "Did you see them kick him? You kicked
5 him. Did you see them kick him?" I guess he was recruiting
6 support.

7 I didn't see anybody kick the prisoner.

8 We put him in the vehicle, went back on grounds to get
9 the other vehicles.

10 We were leaving Metropolitan State Hospital grounds.
11 Jim Conner with two other males in his vehicle, Camino, El
12 Camino, were behind me. I was behind the vehicle with the
13 prisoner in it. There was a car before that -- there was a
14 police vehicle before that one.

15 At -- at Eighth and Balsam, they ran a stop sign, I
16 guess in an effort to keep up with me. I headed down Balsam. I
17 turned off the Code Three lights at the ground breaking ceremony
18 not to disturb them. As we passed the ground breaking ceremony I
19 turned the lights back on.

20 Mr. Conner, who was still close behind me, ran a stop
21 sign near the Administration Building -- two at the
22 Administration Building and one as he was leaving grounds.

23 We headed down Norwalk Boulevard toward the LASO, the
24 substation, and Mr. Conner was behind me and Sergeant Salas, who
25 was in his truck, attempting to get past us. At one point
26 Sergeant Salas had to instruct us to lock our vehicles because it
27 looked like these men were going to come out and get us in our
28 vehicles.

1 At the intersection of --

2 CHAIRMAN GREENE: He asked you to do what to your
3 vehicles?

4 OFFICER ASHER: Get at us in our vehicles.

5 CHAIRMAN GREENE: You said he ordered you to do
6 something to your vehicles.

7 OFFICER ASHER: Lock our doors.

8 CHAIRMAN GREENE: Lock, okay.

9 OFFICER ASHER: At the intersection of Norwalk and
10 Imperial, it was quite a feat to keep Mr. Conner from breaking
11 our little caravan. Sergeant Salas found it necessary to go
12 through the Chevron, I believe, the gas station at the corner, to
13 allow -- to block him and allow our vehicles to continue.

14 We drove to the LASO Substation --

15 CHAIRMAN GREENE: May I ask you a question.

16 Would it be reasonable for me to assume that any
17 pedestrians or anyone just driving along at that point in time
18 might have been in danger?

19 OFFICER ASHER: Of course, of course.

20 CHAIRMAN GREENE: Would that be a reasonable conclusion
21 for me to make?

22 OFFICER ASHER: Of course.

23 CHAIRMAN GREENE: Except that would be the activity
24 participated by all parties.

25 OFFICER ASHER: Well, you mean our vehicles included?

26 CHAIRMAN GREENE: I mean you were --
27
28

1 OFFICER ASHER: We had Code Three lights on. I think
2 that was --

3 CHAIRMAN GREENE: But still it was endangering --

4 OFFICER ASHER: No, no. I think we drove safely with
5 our lights on.

6 CHAIRMAN GREENE: Yes, but you say the sergeant drove
7 through a car concern?

8 OFFICER ASHER: Pardon me?

9 CHAIRMAN GREENE: You say that the sergeant drove
10 through an automobile concern?

11 OFFICER ASHER: No.

12 CHAIRMAN GREENE: You're speaking of a car sales lot?

13 OFFICER ASHER: No.

14 CHAIRMAN GREENE: You said a Chevrolet place. What do
15 you mean?

16 OFFICER ASHER: No, he drove through a Chevron gas
17 station, and he did have the lights. He obeyed --

18 CHAIRMAN GREENE: By a pump.

19 OFFICER ASHER: No, no. I forgot where I left off.

20 Anyway, we drove him to the LASO Substation. Mr. Conner
21 close behind us. We booked him there. No further incidents.

22 CHAIRMAN GREENE: Did you press charges against the
23 other parties as well?

24 OFFICER ASHER: Myself?

25 CHAIRMAN GREENE: Well, any of you officers. You were
26 the ones who were there.

27

28

1 OFFICER ASHER: The only charges I know that were
2 pressed were against Chol Soo Lee. After -- after Sergeant Salas
3 had written his reports, it was taken out of our hands, and this
4 was given to -- this case was given to a special investigator
5 here.

6 CHAIRMAN GREENE: Why were you officers here who
7 participated in that conduct with the other parties who were also
8 participating in that conduct, why would you not press charges
9 against them? You had full knowledge that they were in violation
10 of the law according to your testimony.

11 OFFICER ASHER: It was soon after that this case was
12 taken out of our hands. I don't think we had an opportunity to
13 do --

14 CHAIRMAN GREENE: That has nothing to do with it.
15 That's a disciplinary action within the Agency. That has nothing
16 to do with the Criminal or Penal Code.

17 OFFICER ASHER: The way it was explained to us, we had
18 nothing further to do with it. They said it would be handled by
19 Howard --

20 CHAIRMAN GREENE: So you would have one person who would
21 have those types of charges brought against him, and then other
22 persons who, according to your testimony and the testimony of
23 others, were acting on their behalf also violating the law,
24 clearly within the realm of your charge and responsibility as
25 officers and you would take no action against them, or you would
26 not say to your supervisors, "But how do we handle this clear
27 violation of law?"
28

1 Did you raise that with your superiors?

2 OFFICER ASHER: Yes, we spoke our concerns.

3 CHAIRMAN GREENE: What did your supervisor --

4 OFFICER ASHER: We were told that it wouldn't be handled
5 by us. And if there was any people --

6 CHAIRMAN GREENE: Did they comment at all, though on --

7 OFFICER ASHER: The responsibility would lie with Howard
8 Gibbons, Special Investigator.

9 CHAIRMAN GREENE: I understand that.

10 But did they comment at all in response about the matter
11 of ignoring, potentially or maybe they won't, but you as officers
12 will have to file the charges because they could not, where you
13 had clear, according to your testimony, evidence of a violation
14 of the Penal Code of a much more severe nature than the person
15 that you were apprehending.

16 How do you handle that as an officer, law enforcement
17 officer?

18 OFFICER ASHER: I don't remember any statement giving --
19 given to us about ignoring the responsibility by us.

20 CHAIRMAN GREENE: Yes, but they told you that they would
21 handle it; is that right?

22 OFFICER ASHER: That's right.

23 CHAIRMAN GREENE: And you were given instructions.

24 OFFICER ASHER: That's right.

25 CHAIRMAN GREENE: I'm not challenging you. I'm asking a
26 question.

27 You're an officer of the law. You've taken an oath.
28

1 OFFICER ASHER: Uh-huh.

2 CHAIRMAN GREENE: You see, they haven't taken an oath.
3 You have, though.

4 OFFICER ASHER: Uh-huh.

5 CHAIRMAN GREENE: Now, you were apprehending an
6 individual who clearly in your mind had violated the law. These
7 other parties were participating in what you have just outlined
8 in great detail on the record.

9 Now, with that as a foundation, and I understand you're
10 following instructions, but does your responsibility stop there?

11 OFFICER ASHER: Yes, sir, it did.

12 CHAIRMAN GREENE: It does, as a law enforcement officer?

13 OFFICER ASHER: Yes, if my superiors have -- they have
14 greater responsibility to this than I do.

15 CHAIRMAN GREENE: No, ma'am. Under the penal law, you
16 can arrest them.

17 OFFICER ASHER: Under what --

18 CHAIRMAN GREENE: I'm a law maker, and I know what I'm
19 talking about.

20 OFFICER ASHER: Under orders --

21 CHAIRMAN GREENE: Under penal, criminal, you can arrest
22 them.

23 OFFICER ASHER: Are you talking about after the fact or
24 the day of the incident?

25 CHAIRMAN GREENE: I'm talking about what you have
26 outlined there on record, Madam. That's what I'm talking about.
27 You laid the foundation for it, and I'm just coming back.
28

1 OFFICER ASHER: Okay. The day of the incident, we
2 wouldn't have the man power to arrest as many people as were
3 necessary.

4 CHAIRMAN GREENE: So in other words, lack of man power.
5 You see, really what you've boxed yourself into is -- and I'm not
6 saying you're doing it for reasons of anything -- but it's what
7 is called uneven charges; it's prejudicial charges.

8 You're acting against one individual, but you're not
9 acting against the others. That's not permitted under the law.

10 OFFICER ASHER: We were -- we were short of staff. They
11 were armed with these signs. We are not armed. We had to make
12 the --

13 CHAIRMAN GREENE: Well, you were as armed as they were.

14 OFFICER ASHER: No, sir. I don't think so.

15 CHAIRMAN GREENE: I'm not here to challenge you on it.
16 I just wanted to make sure we had it clear on the record what
17 took place. You've already said enough to make that very clear.

18 Is there anything else you would like to add to your
19 testimony?

20 OFFICER ASHER: No, I think I've said enough.

21 CHAIRMAN GREENE: Any questions?

22 Thank you very much, Officer. Your testimony was much
23 more illuminating than I imagined it would be.

24 Fred Baisely.

25 Did I pronounce that correctly?

26 MR. BAISELY: Yes, sir.

27 CHAIRMAN GREENE: I'm lucky today.
28

1 Mr. Baisely, if you will please identify yourself, and
2 then you may proceed.

3 MR. BAISELY: My name's Fred Baisely. I'm a nurse here
4 at Metro.

5 On this March 3rd, I agree with everything straight up
6 to the back gate. I had went outside the gate, and I don't think
7 I was outside more than two minutes when I turned and I seen Bob
8 Simms come out of 17. He came out, I would say --

9 CHAIRMAN GREENE: Bob Simms is who, sir?

10 MR. BAISELY: Bob Simms is my steward in the program.

11 CHAIRMAN GREENE: Okay.

12 MR. BAISELY: That was about five minutes after twelve,
13 maybe a few minutes before that. He came out the door. And I
14 looked, I seen him. And I come back in. And we met by the tree
15 just on the knoll, over the knoll.

16 We stood talking, and I seen them pull up the car, and
17 then I was talking -- talking about there was a lot of -- there
18 was confusion. But I seen also the sergeant get into the car,
19 and I seen him go back and forth, back and forth, back and forth,
20 roughly about two to three times. I seen --

21 CHAIRMAN GREENE: When he was going back and forth, to
22 the best of your ability to recall what you observed,
23 approximately how far would he be moving on each and every
24 occasion?

25 MR. BAISELY: I couldn't tell because there was a crowd
26 there. But I could see the people swaying. I seen three people
27 down in front of the car.

1 CHAIRMAN GREENE: Did any get on top of the car?

2 MR. BAISELY: No, they did not. In fact, they were
3 knocked down.

4 CHAIRMAN GREENE: They were knocked down.

5 MR. BAISELY: Yeah.

6 CHAIRMAN GREENE: Did you see any reach inside the car?

7 MR. BAISELY: No.

8 CHAIRMAN GREENE: Did you see anyone reach inside the
9 car?

10 MR. BAISELY: No, I did not, sir.

11 CHAIRMAN GREENE: Go ahead, proceed.

12 MR. BAISELY: I didn't hear nobody -- no officers say
13 anything at that time or anything.

14 Next I seen the Chinese fellow. I don't know what his
15 name was. I still don't. I heard it Mr. Lee.

16 CHAIRMAN GREENE: Chol Soo Lee.

17 MR. BAISELY: Yeah, and he hit the front of the car, and
18 he either said "You're hurting them" or "You're hurting me". I'm
19 not -- I wasn't sure. But he used the word "hurt". He was
20 hitting the front of the car.

21 I stood talking to Bob, Bob was there, and I had to turn
22 away. I mean, I have been in three melees, and two of -- three
23 of them -- well, this was the fourth. Three of them has been
24 much worse than the one over here.

25 I seen what was in front of me, and so sickening that I
26 actually had to turn away. But prior to that, I also heard the
27 heavysset officer, the last one, she come in. She said prior to
28

1 this incident of the ramming that they had orders to close the
2 damn gate. And this was heard by somebody else which -- they
3 can't say because he's -- he is going to work.

4 Then I'm going to go back to where after the car was
5 pushed back and forth in the people. I stood there, and then I
6 seen the same short officer and another girl, I don't remember
7 the other girl, but I think it was the last on that testified,
8 come down. And they -- right up past me, and they grabbed the
9 fella -- there was three of them, three officers, and they threw
10 him down on the ground.

11 CHAIRMAN GREENE: About how tall is Mr. Lee?

12 MR. BAISELY: Huh?

13 CHAIRMAN GREENE: About how tall would you guess Mr. Lee
14 to be?

15 MR. BAISELY: I would say she looked a lot bigger.

16 CHAIRMAN GREENE: No, I said Mr. Lee, the gentleman.

17 MR. BAISELY: Oh.

18 CHAIRMAN GREENE: About how tall would you guess him to
19 be?

20 MR. BAISELY: I would say not more than five foot five,
21 five-four.

22 CHAIRMAN GREENE: What would you guess his weight to be?

23 MR. BAISELY: If he weighed 160 pounds, it would be
24 soaking wringing wet. That would be a lot.

25 CHAIRMAN GREENE: There were three officers.

26 MR. BAISELY: And I seen them throw him to the ground.
27 And by this time, I was so sick with what I had seen up there,

28

1 and then seeing three people throwing a fellow down, that I just
2 turned away from it in disgust. And Bob and I stood there
3 talking, and finally I started back, and I came across the
4 grounds here to the front gate.

5 And I just made it to the front gate and I got in my car
6 when I looked up, I seen cars peeling out. They had their lights
7 going, I agree, but I also seen a mother there with a little
8 child about three years old. And the kid was close to the curb.
9 And I said, "Oh, my God. They're going to get the kid," because
10 they went -- they went out so fast. But I guess she must have
11 pulled him back.

12 And they went out. There was cars coming. It was very
13 dangerous what they did. Very dangerous. Why, even with the
14 lights going, there wasn't an accident I will never know, because
15 they were just -- some of the other cars coming down the street,
16 slammed on the brakes and got outside.

17 CHAIRMAN GREENE: That was while they were on the
18 Hospital grounds?

19 MR. BAISELY: No, they were --

20 CHAIRMAN GREENE: They had already left?

21 MR. BAISELY: Yeah, they come peeling out of there.

22 CHAIRMAN GREENE: What's the posted speed limit on the
23 Hospital grounds?

24 MR. BAISELY: I think 20 miles an hour inside the
25 grounds, but I don't know by the gate. I think you should come
26 out 20 miles an hour.
27
28

1 That's all I wanted to say of what I heard. At the time
2 I didn't remember some of this here that had occurred. I had
3 went before the Senate -- special Senator. I had been up 36
4 hours prior to going before the State's special investigator. I
5 had worked the night before, and to go before a special
6 investigator's quite upsetting. So, I didn't sleep the day
7 before, and the night before that I was awake. So, I was awake
8 for a period of 36 hours when I came before him.

9 When I went home, something bothered me. It bothered me
10 very, very much. And I even went back to the back gate by myself
11 two to three times. And I stood there, and I remembered these
12 scenes. I remembered the officer -- two officers coming down,
13 and how I came in with Bob and stood there talking with Bob by
14 the tree. And then I came -- I remembered everything, but that
15 is all I wanted to say in the context that they did a very
16 dangerous thing, the officers, of coming out of this place like
17 they did.

18 CHAIRMAN GREENE: Questions?

19 Mr. Baisely, thank you very much. We certainly
20 appreciate your testimony.

21 Ladies and gentlemen, that concludes our hearing.

22 I'd like to say in conclusion that we, of course, will
23 not have the authority nor will we be in our right to attempt to
24 pass judgment or make any comments on this or counsel one way or
25 the other.

26 I would hope all of the parties, however, would become
27 familiar enough with the law. There are no restrictions
28

1 whatsoever on information picketing. Even in the case of the
2 private sector, persons on private property -- in fact, the
3 United States Supreme Court rule, as is provided for in both
4 federal law as well as the State law, there are no restrictions
5 on or off of the property for information picketing.

6 I think it would be helpful to all parties -- I'm
7 attempting to say this in a way that comes off as evenhanded as
8 possible -- points of contention over whether or not a person has
9 the right to picket, even with the blocking of traffic on
10 information picketing. There is no prohibition as ruled in law,
11 as established in the National Labor Relations Act, as upheld by
12 the National Labor Relations Board, as copied in the same form by
13 nearly every state in the Union. As certainly Safeway, for
14 example, found out when the Supreme Court ruled that for
15 information picketing, the picketers could come onto their
16 private property in front of their doors, and what have you, for
17 information picketing.

18 Recognizing that there are differences of opinion,
19 differences of goals and what have you, I think we all would be
20 in better stead. It would not be necessary for a legislative
21 committee to come at all. It would not be necessary for PERB to
22 have to enter into this. It would not be necessary for this to
23 be an argument between management and employees if we would read
24 the law and understand that as long as it is not an economic
25 picketing, information picketing, there are no restrictions
26 whatsoever.
27
28

1 Information picketing around that ceremony would have
2 been legal under the law. Information picketing outside the
3 gate, even with traffic impaired, under the law would be legal.

4 This is not Bill Greene saying it; it's not Bill
5 Greene's opinion. I'm merely reciting what the law says, and I
6 had nothing to do with writing that law.

7 I would hope that the next time we have a conflict --
8 and it happens, and it's not new for us to have to come in as a
9 third party -- I think it would be better for the citizens of the
10 State of California, and it would certainly be better
11 representative of the administration, it certainly would be a
12 much more different kind of thing for a legislative committee to
13 have to come down to deal with, if we were on all sides operating
14 within the purview of the law.

15 Maybe we need to have a bill that would suggest that all
16 new executives -- and this is not pointed at you, Mr. Director --
17 mid-level and what have you, who are going to have to deal with
18 employees, it would be helpful if there was some kind of
19 requirement that they understand the foundations of the law on
20 which they will deal with the employees, and conversely, the
21 employees deal with their employers.

22 As I said, I don't mean that, and it certainly isn't
23 intended, and I hope it isn't interpreted as trying to lecture
24 you, or anything like that. Merely a law maker reciting what the
25 law says.

26 Let me thank each and all of you. I can't say it's been
27 pleasant, but it was nice to have an opportunity to be here and
28

1 to at least give an airing to this problem. I hope that it won't
2 happen again. We would be willing to assist you in any fashion,
3 shape or form that we could to preclude it.

4 Let me thank our staff. Let me thank the Members who
5 had to depart. Let me thank the Sergeants. Let me thank our
6 witnesses. And most of all, let us thank the administration of
7 the Hospital. Let me thank our stenographer.

8 With that, the meeting is adjourned.

9 (Thereupon this Joint Hearing of
10 the Senate Industrial Relations
11 Committee and the Senate Health &
12 Human Services Committee was ter-
13 minated at approximately 2:10 P.M.)

14 --oo0oo--
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CERTIFICATE OF SHORTHAND REPORTER

1
2
3 I, EVELYN MIZAK, a Shorthand Reporter of the State of
4 California, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Joint Hearing of the Senate Industrial Relations
7 Committee and the Senate Health & Human Services Committee was
8 reported in shorthand by me, Evelyn Mizak, and thereafter
9 transcribed into typewriting.

10 I further certify that I am not of counsel or attorney
11 for any of the parties to said hearing, nor in any way
12 interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand this

14 29th day of July, 1986.

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16
17 
18 EVELYN MIZAK
19 Shorthand Reporter
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