

COMMUNITY CONCERNS ABOUT LAW ENFORCEMENT IN SONOMA COUNTY

*A Report by the California Advisory Committee to
the U.S. Commission on Civil Rights*

May 2000

This factfinding report of the California Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. Statements and viewpoints in this report should not be attributed to the Commission, but only to the Advisory Committee.

The United States Commission on Civil Rights

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Letter of Transmittal

California Advisory Committee to
the U.S. Commission on Civil Rights

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Attached is a report from the California Advisory Committee based upon a factfinding meeting convened February 20, 1998, in Santa Rosa, the county seat of Sonoma County. Commission Vice Chairperson Cruz Reynoso and Commission member Yvonne Y. Lee joined the California Advisory Committee in this effort to collect information on the concerns of citizens of Sonoma County regarding law enforcement practices and allegations of excessive use of deadly force.

In the period April 1, 1995, through September 27, 1997, law enforcement officers within the county shot and killed eight citizens, and all were found by the Sonoma County District Attorney's Office to be justifiable homicide. Citizens alleged that meetings with elected and public officials and law enforcement executives to discuss their concerns and pleas for reform only increased frustration. They alleged that officials were unresponsive and offered denials that a problem existed.

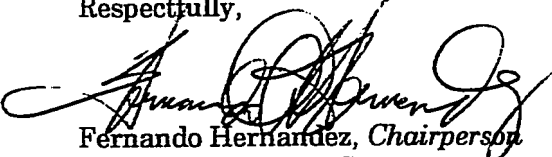
Demographically, Sonoma County is undergoing dramatic change which affects its agrarian, small town atmosphere. In addition, minority populations have increased. The county has a sheriff's department and nine local law enforcement jurisdictions. While noting that the allegations were leveled mainly at the Sonoma County Sheriff's Department, Santa Rosa Police Department, and Rohnert Park's Department of Public Safety, the broad scope of the community's allegations included smaller departments as well. The Advisory Committee found a highly polarized and charged atmosphere in respect to police-community relations. Distrust and fear of law enforcement by the community were countered by law enforcement belief that citizens did not understand the realities of modern policing. Community representatives spoke of the need for diversity training for officers, options other than the use of deadly force in critical incidents, and greater sensitivity when dealing with domestic violence and suspects who may be experiencing a psychiatric episode or are under the influence of drugs or alcohol.

The Advisory Committee heard frequent requests for the creation of civilian or citizen review boards or commissions as a potential avenue for redress of the problems confronting the community. While not opposed to such review boards, law enforcement executives questioned the need and were concerned about the parameters of such an entity. They noted that the Sonoma County Law Enforcement Chief's Association was studying the issue and was considering a number of alternatives. The community alleged they were kept out of the Chief's Association's discussions on the matter, which only added to the level of mistrust and frustration. The Advisory Committee believes each municipality will have to decide whether it requires a citizens review board, but believes that such boards should be implemented in Rohnert Park, Santa Rosa, and for the county sheriff.

The Advisory Committee appreciates the voluntary cooperation of many law enforcement officers, county and city officials, and community representatives who participated in this effort. It believes the report will assist in the dialogue necessary to effect the law enforcement reform the community seeks and to apprise police executives of the concerns of the people they are entrusted to protect and serve.

By a vote of 13-0, the Advisory Committee approved submission of this report to the Commission. The Advisory Committee notes that this document will add to the Commission's body of work on police-community relations issues and hopes that it will not only prove of value to the Commission as it continues its efforts to promote civil rights, but also assist the communities of Sonoma County in their quest for good governance.

Respectfully,



Fernando Hernandez, *Chairperson*
California Advisory Committee

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Acknowledgments

The California Advisory Committee wishes to thank staff of the Commission's Western Regional Office in Los Angeles for its assistance in the preparation of this report. The project was the principal assignment of Philip Montez with field support from Thomas V. Pilla, Grace Hernandez, and Stella Youngblood. The report was written by Thomas V. Pilla. Support was provided by Grace Hernandez and Elie Masara, and the project was carried out under the overall supervision of Philip Montez, director, Western Regional Office.

Contents

I. Introduction	1
Demographics.....	3
Advisory Committee	4
II. Community Concerns	6
Use of Deadly Force	6
Accountability.....	11
Complaint Handling	14
Domestic Violence	17
Lack of Gender and Ethnic Diversity	19
Training.....	20
Review Board	23
III. Law Enforcement Departments	28
Cloverdale.....	29
Cotati	29
Healdsburg	30
Petaluma.....	32
Rohnert Park	33
Santa Rosa.....	35
Sebastopol.....	42
Sonoma	45
Windsor.....	47
Sonoma County Sheriff's Department.....	47
IV. Conclusion	54
V. Recommendations	56
Appendices	
A Observations on the Forum by Commissioner Yvonne Lee	59
B Police Abuse: Can We Change the Culture? by Vice Chair Cruz Reynoso.....	60

Tables

1	Rohnert Park Department of Public Safety, Citizen Complaints Against Police Officers, 1993–97	35
2	Santa Rosa Police Department, 5-year Gender/Ethnicity Composition, Sworn Personnel	38
3	Santa Rosa Police Department, 5-year Gender/Ethnicity Composition, Civilian Personnel.....	38
4	Santa Rosa Police Department, Disorderly Conduct/Resisting Arrest—Adults, July–December 1997	40
5	Santa Rosa Police Department, Disorderly Conduct/Resisting Arrest—Juveniles, July–December 1997	40
6	Citizen Complaints, Santa Rosa Police Department, 1993–97	40
7	Santa Rosa Police Department, Sustained Complaints and Disposition, 1993–97	42
8	Diversity Breakdown of Sworn Personnel, Sonoma County Sheriff's Department, February 1998.....	48
9	Diversity Breakdown of the Correctional Personnel, Sonoma County Sheriff's Department, February 1998.....	48
10	Citizen Calls for Service and Complaints Against Sheriff Deputies, 1993–97	48

I. Introduction

Sometimes the most mistrustful relationship in a community exists between law enforcement and the greater society. We entrust police officers with the tremendous responsibility of enforcing our laws and grant them "the right to make an arrest [which may require the officer] to use objectively reasonable force."¹ We allow law enforcement officers to carry weapons to fulfill their responsibility, and the public expects them to use their power appropriately. Salvatore V. Rosano, former chief of police of Santa Rosa, wrote:

The law enforcement profession is imbued with a public trust that requires the demonstration of the highest degree of integrity and moral responsibility. The trust the public has provided requires that those employed in the law enforcement profession adhere to a code that establishes high standards of ethics and conduct.²

Community members have expectations of what good policing entails, including the appropriate use of force, and sometimes question the ethics and conduct of individual law enforcement officers and departments. Some members of the command structure and rank and file of police departments believe their experience, policies, and procedures make them the only experts. As a consequence, they are generally reluctant to entertain ideas, proposals, and criticism from those outside their structure.

¹ Sonoma County Law Enforcement Chiefs Association, Policy 92-4, Use of Force, Aug. 8, 1997. In determining whether force used by an officer is objectively reasonable, all the facts and circumstances with which the officer was confronted are considered, including: the information available to the officer at the time of the incident; the acts of the suspect; whether the suspect reasonably appeared to be a threat to the officer or to the other persons; and the severity of the crime that the individual was suspected.

² Salvatore V. Rosano, chief of police, Santa Rosa Police Department, Code of Conduct, General Order 81-2, Feb. 11, 1981. Mr. Rosano is no longer the police chief of Santa Rosa.

When a law enforcement event, whether an allegation of unnecessary use of force, or the use of force resulting in a fatality occurs in a community, the manifestations of this mistrustful relationship rise to extreme levels of charges and counter-charges. Emotions often run very high. For the most part, individuals are reluctant to get involved in police matters or oversight until such an event affects their immediate family or an acquaintance. By then the cumulative result of the community's neglect and the law enforcement department's veil of intended or unintended secrecy regarding its operations often divide a community. While recognizing the occupational hazards faced by officers in fulfilling their task, the responsibility provided law enforcement requires that communities demand accountability of the officers and those in command. Communities cannot abrogate their responsibility to demand accountability, and police departments that dismiss or ignore this vital community function create a climate of distrust and fear.

Through time the United States Commission on Civil Rights³ and its State Advisory Committees⁴ have studied the relationship of police and communities in urban and rural settings. The experience has shown that minority communities have been most vocal in their complaints about law enforcement practices they view as abusive or unnecessary, and those that have resulted in a fatality. Often one incident was the spark that prompted the involvement of the Commission. What has not been part of the Commission's general experience is indignation about police abuse of authority by the majority population. That appears to be changing.

³ The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983.

⁴ The Commission is mandated to establish State Advisory Committees in all States and the District of Columbia. These 51 Federal advisory bodies advise the Commission of civil rights issues within their States.

At its September 5, 1997, meeting, the Commission requested that the Western Regional Office investigate and report its findings regarding instances of alleged misconduct in Sonoma County, including the events surrounding the shooting death of Kuan Chung Kao, a 33-year-old Taiwanese national, by a police officer of the Rohnert Park Department of Public Safety. The Asian American community in the Bay Area had expressed concern over the possible violation of civil rights in the shooting and the implication of racial bias in the comments made by law enforcement and public officials following the incident.⁵

Pursuant to the Commission's request, Regional Office staff traveled to Rohnert Park and Santa Rosa, county seat of Sonoma County, to meet with officials and community representatives who wished to discuss their concerns over police-community relations throughout the county. While the results of the initial field trip were inconclusive regarding whether the Kao incident was a case of racial bias, the picture that emerged suggested that there was a serious deterioration of police-community relations throughout Sonoma County. Between April 1, 1995, and September 25, 1997, eight citizens within the county had been killed by law enforcement officers, and all were found to be justifiable homicide.⁶ In addition, community

⁵ The facts of the incident were not in dispute. Mr. Kao was killed in the early morning hours April 29 after returning home from an evening of celebrating with friends. Neighbors called police at approximately 2:00 a.m. to report that he was outside his home, yelling and creating a disturbance. Rohnert Park officers stated they were confronted by Kao waving a broom handle in a martial arts manner, and that he refused to drop the pole and began striking a patrol car. According to the investigative report of the Sonoma County Sheriff's Department, Kao walked toward one of the officers, a 25-year veteran, in a threatening manner and was shot once in the chest, dying within minutes. Asian American community members allege that following the shooting, the officers would not allow Mrs. Kao to approach her mortally wounded husband to offer aid. In addition to the Sonoma County Sheriff's report on the incident, the facts were reported in a number of media stories including: Mary Callahan, staff writer, "11 deaths likely to figure in hearings," *Press Democrat*, Feb. 19, 1998; and Paula Harris, "Deadly Force, Outcry over police brutality," the *Sonoma County Independent*, Sept. 18-24, 1997.

⁶ The incidents were: Apr. 1, 1995: James Hopper, 37, shot and killed by a Santa Rosa police officer who responded to a call of a fight. Officers alleged the suspect came at them with a metal pipe; Jan. 29, 1996: Dale Robbins, 40, shot and killed inside the Santa Rosa police station after reportedly assaulting one officer and attacking another with a metal

spokespersons alleged there were three deaths at the county jail in 1997.⁷

The *San Francisco Weekly* reported that in a 10-year period, "law enforcement officers in bucolic, vineyard-dotted Sonoma County have shot and killed 10 people."⁸ Seven of those 10 fatal shootings involved Santa Rosa police officers.⁹ For the period October 16, 1990, through September 11, 1997, the Sonoma County Center for Peace and Justice documented 60 separate incidents involving law enforcement in the northern counties of Alameda, Napa, Placer, Sacramento, San Francisco, Santa Clara, Solano, and Sonoma. John Crew, an attorney and director of the Police Practices Project of the American Civil

pipe. A grand jury probe later criticized the internal investigation; Aug. 29, 1996: Kevin Saunders, 37, shot three times and killed by a Santa Rosa police officer who said the suspect was reaching for a gun. The suspect was unarmed, and the district attorney called it a "suicide by police officer" based upon a note found written by the suspect; Sept. 6, 1996: Dustin Clark, 33, died after being pepper-sprayed, hogtied, and struck after a traffic stop by a county sheriff. Clark went into a coma and died several hours later; Isan R. Frost, 33, found dead in a Santa Rosa creek. The suspect had run away from a deputy sheriff after a traffic stop. The deputy had allegedly hit the suspect in the chest with his flashlight, fearing that he was reaching for a weapon. Frost fell into a creek and drowned and his body was found the next day in the creek; Solomon Hernandez, 28, shot three times and killed at an Exxon station by a Santa Rosa police officer who claimed Hernandez attacked him with a screwdriver. Hernandez was allegedly handcuffed when he arrived at the coroner's office; Feb. 2, 1997: Corey Goodwin, 36, killed by Rohnert Park police when officers lobbed a tear gas canister into the house where he had barricaded himself. The house exploded into flames; Apr. 29, 1997: Kuan Chung Kao, 33, killed by one shot to the chest by a Rohnert Park police officer who said the victim was waving a stick in a "martial arts manner" and beat on a police car. The incidents were outlined in Paula Harris, "Deadly Force, Outcry over police brutality" and "Up for Review," the *Sonoma County Independent*, Sept. 18-24, 1997, p. 9. The Advisory Committee makes no judgment on the legitimacy of these incidents or the findings by the district attorney.

⁷ It was alleged that Joanie Holmes died within 3 days of arriving at the jail; John Banks served 4 days and died within 6 hours of his release; Kenneth Stra arrived at the jail and died within 27 hours. All three were believed to have been heroin addicts.

⁸ Tara Shioya, "Duck!-You're in Wine Country. Why do police in bucolic Santa Rosa kill more citizens per capita than cops in San Francisco and New York?" *San Francisco Weekly*, Sept. 17-23, 1997, pp. 14-24 (hereafter cited as Duck).

⁹ Duck, p. 16. In three of the cases, the victims had documented histories of mental illness. This may suggest that preservation of the civil rights of people with mental impairments requires greater attention by law enforcement.

Liberties Union of Northern California, told Commission staff that there is an enormous amount of denial among law enforcement that there is a problem.¹⁰

At a September 24, 1997, meeting in Santa Rosa with Commission staff, community spokespersons detailed their frustration with officers who, they allege, view deadly force as the only alternative; questioned the methods of investigation of shootings; noted their lack of confidence in the system; alleged the district attorney allowed the department whose officer perpetrated the shooting to investigate; suggested that officers are not trained to deal with mentally impaired individuals; alleged the departments try to "criminalize" their victims and marginalize their critics; generally noted that the police departments and county sheriff have poor communications with the communities they serve; and alleged the police are not accountable to anyone.¹¹ It was clear that for a segment of the county's population police-community relations had soured and the level of mistrust was high.

Demographics

Sonoma County,¹² along with Napa and Mendocino Counties, have traditionally been known as the "wine counties" of California. Although these counties have remained fairly rural, demographic change in Sonoma has been dramatic. Santa Rosa, the county seat, is approximately 50 miles north of San Francisco and within commuting distance. It has become more suburban within the past few years. The 1990 census reported 388,222 as the county population, with 84.3 percent white; 10.6 percent Hispanic; 2.6 percent Asian American and Pacific Islander; 1.4 percent black; 0.9 percent American Indian, Aleut, Eskimo; and .01 percent other.

¹⁰ John Crew, director, Police Practices Project, American Civil Liberties Union of Northern California, San Francisco, interview, Sept. 23, 1997.

¹¹ The problem in Sonoma County has transcended the Commission's traditional constituency of minority communities. Of the 24 citizens at the Sept. 24, 1997, meeting, 1 was African American, 3 were Asian American, 1 was Hispanic, and 19 were Caucasian.

¹² Sonoma County was 1 of the original 27 California counties. It derives its name from a local Indian chief baptized by Spanish missionaries. Don McCormack, editor, *McCormack's Guides for Newcomers and Families, Marin, Napa & Sonoma, '97* (Martinez, CA: McCormack's Guides, Inc., 1997).

According to Richard Rogers, planner, Environmental and Comprehensive Planning Division, Permit and Resource Management of Sonoma County, as of January 1997, there were approximately 426,934 county residents.¹³ Rogers added that the population percentages for Asian Americans and Hispanics are higher than in 1990, but the county did not have current data. According to Booker Neal, Community Relations Service, U.S. Department of Justice, Sonoma County is becoming more urbanized and strong antigrowth sentiments exist.¹⁴ Neal noted that Rohnert Park, where Mr. Kao was killed, has the largest concentration of minorities and county-wide Hispanics are the fastest growing population.¹⁵

According to Larry Hajime Shinagawa, associate professor, Sonoma State University, the growth rate has actually declined, from 2.6 percent for the period 1980-1990 to 2.3 percent for the period 1990-1995. He attributes this decline to statistical interpretation, because the population has actually increased and growth rate simply reflects a percentage of the difference in numbers between two dates. He told the Advisory Committee:

The major factor impacting growth between 1988 and 1993 was migration of persons into Sonoma County. That is very important. What we are seeing is that the face, complexion, nature, class, and cultural composition is changing. Seventy-five percent of the population increase is from out of this area while only 24.8 percent is due to natural increase from births over deaths.

The racial composition of the county was still largely non-Hispanic white with 82 percent in 1996. [In the same year] the Hispanic population was 12 percent; the Asian population, 3 percent; the black population, 1 percent; and the Native American population, 1 percent. Between 1990 and 1996, there has been a significant net increase in the Hispanic, Asian, and African American populations, while the white population has only grown slightly.

¹³ Richard Rogers, planner III, Environmental and Comprehensive Planning Division, Permit and Resource Management, Sonoma County, Santa Rosa, CA, interview, Sept. 24, 1997.

¹⁴ Booker Neal, Community Relations Service, U.S. Department of Justice, San Francisco, interview, Sept. 23, 1997.

¹⁵ *Ibid.*

The point I am trying to make here is that California is changing, and Sonoma County is going to have to confront the changes that are happening across California.¹⁶

J. Michael Mullins, district attorney, Sonoma County, told the Advisory Committee, "Sonoma is changing; our population has virtually doubled in less than 20 years, and that [causes] a certain amount of growing pains."¹⁷ Jerry Schoenstein, director, Basic Academy, Santa Rosa Training Center, added, "The dynamic of the county has changed dramatically with the population; demographics are changing radically, and to a certain extent [that] causes some distrust."¹⁸ Pia Jensen, councilwoman, city of Cotati, said, "Personally [I believe] that our police aren't ready to deal with the influx [of people and] the changes with population growth."¹⁹

The State of California, Department of Finance, estimated that Sonoma County had a population of 443,700 on January 1, 1999.²⁰ For the same date, the Department of Finance estimated 6,075 in Cloverdale; 6,800 in Cotati; 10,000 in Healdsburg; 51,700 in Petaluma; 40,505 in Rohnert Park; 138,700 in Santa Rosa; 7,900 in Sebastopol; 9,275 in Sonoma; 20,400 in Windsor; and 152,800 in the unincorporated areas.²¹

Advisory Committee

The California Advisory Committee to the U.S. Commission on Civil Rights had been apprised of the police-community issues in Sonoma County by staff of the Western Regional Office. The Advisory Committee had expressed interest in determining the extent of community concern and a potential role within its function to advise the Commission of civil rights issues in the State. At its meeting of January 9, 1998, the Commission passed a motion to have two Com-

missioners join the California Advisory Committee in conducting a factfinding meeting on law enforcement issues in Sonoma County. At the January 9 meeting, the late Commissioner A. Leon Higginbotham, Jr., stated, "There's a problem, people died from police bullets." The Advisory Committee had completed a May 29, 1997, factfinding meeting on administration of justice issues in Orange County, and the chairperson concluded that the Sonoma project would be part of its overall mandate to address such issues statewide.

A factfinding meeting was held February 20, 1998, at the Justice Joseph A. Rattigan State Building in Santa Rosa to "obtain information and views on law enforcement policies, practices, and procedures in Sonoma County; community concerns regarding the administration of justice; law enforcement concerns regarding public safety; and recommendations for matching public safety objectives with community concerns for objective treatment."²² The Advisory Committee was joined by Commission Vice Chair Cruz Reynoso and Commission member Yvonne Lee at the meeting. Sixty-one individuals addressed the joint panel on the issues.²³

²² Transcript, 1998.

²³ Participants included: Elisabeth Anderson, executive director, Sonoma County Center for Peace and Justice; Larry Hajime Shinagawa, Ph.D., associate professor, chair, American Multi-Cultural Studies Department, Sonoma State University; Judith Volkart, chairperson, Sonoma County American Civil Liberties Union; Tanya Brannan, Purple Berets; Steven Campbell, Sonoma County Homeless Coalition; Karen Saari, October 22 Coalition Against Police Brutality; Jim Piccinini, sheriff, Sonoma County; Michael A. Dunbaugh, chief of police, city of Santa Rosa; Patrick Rooney, chief of police, city of Rohnert Park; J. Michael Mullins, district attorney, Sonoma County; Jerry Schoenstein, director, Basic Academy; Donald Casimere, investigative and appeals officer, city of Richmond; Penny Harrington, director, National Center for Women in Policing; John Parker, executive director, San Diego County Police Review Board; and the following community representatives: Rabbi Michael Robinson, James Carlson, Jaime Gutierrez, Eric Goldschlag, Mary Moore, Ken Davenport, Anthony Ferrari, Todd Mendoza, William P. Adams, Darlene Grainger, Earl Herr, M.D., Rudy Kham, Duan DeWitt, Pia Jensen, Andre Lance Dews, Robert Dan McCarter, Phyllis Rosenfield, Isabel Huie, Claudia Turner, John Hussey, Virginia Steele, Bill Stirnus, Cindy Pilar, Daniel Loyal Garcia, Louis Beary, Vicki Vidak-Martinez, Cornelius Hall, Kit Mariah, Nancy Wang, John Gurney, Charla Greene, Estelle Townsend, Cathy Harvey, Sean Jones, Wayne Griffith, Ralph O'Connell, Sherryl Nives, Barbara Londerville, R.D. Wishard, Toni MacDonald, Russell Jorgensen, Irene Hoener, Virginia McCullough, Carol Mardeusz, Claudia Rickman, Thomas Twiddy, Janice Karman, Kalia Mussetter. In addition to these presentations, the Advisory Committee received numerous

¹⁶ United States Commission on Civil Rights, California Advisory Committee, Police Practices and Police-Community Relations in Sonoma County Forum, Santa Rosa, CA, Feb. 20, 1998 (hereafter cited as Transcript, 1998). Unless otherwise noted, all comments cited are from this transcript.

¹⁷ Transcript, 1998, p. 91.

¹⁸ Ibid., p. 92.

¹⁹ Ibid., p. 150.

²⁰ State of California, Department of Finance, *City/County Population Estimates with Annual Percent Change*, Jan. 1, 1998 and 1999 (hereafter cited as *City/County Population Estimates*).

²¹ *City/County Population Estimates*.

The presentations made vivid the level of polarization in the county regarding law enforcement practices. The meeting room was filled to capacity throughout the day, and hundreds of citizens of Sonoma County listened via speakers in the cavernous entrance lobby and a first floor side room. In fact, the Advisory Committee was chastised by community representatives for failing to find a venue for the proceedings that could accommodate all those interested in attending. At the facility used, the casual observer

could clearly see the demarcation between supporters of the police and those who believe constructive change is warranted.

Following the Advisory Committee's fact-finding meeting, Western Regional Office staff learned of three additional deaths in Sonoma County, two at the Sonoma County jail and one suspect killed by a Petaluma police officer.²⁴

This report is a summary of the Advisory Committee's data gathering effort.

letters from citizens and public officials either supporting or offering concerns about law enforcement.

²⁴ Karen Saari, Supplemental Report for the California Advisory Committee to the U.S. Commission on Civil Rights, Mar. 20, 1998. The victims were: Drue Harris, 37, died by suicide at the Sonoma County jail, Feb. 25, 1998; Carolyn Telzrow, 47, died by suicide at the Sonoma County jail, Mar. 9, 1998; and Paul Rodrigues, 41, alleged robbery suspect, killed by a Petaluma police officer, Mar. 10, 1998. The chief of the Petaluma Police Department had telephoned the Western Regional Office to advise it of this shooting. The Advisory Committee makes no judgment on the legality of these deaths.

II. Community Concerns

The Commission on Civil Rights and its Advisory Committees do not look at individual cases, but only at patterns of civil rights violations. As a consequence, the California Advisory Committee did not investigate events surrounding each incident officially declared to be justifiable homicide by a police officer and alleged by the community to be unnecessary use of deadly force. The general perception of those community members who testified at the factfinding meeting was that police were acting inappropriately, and the level of police violence was alleged to be excessive.¹ Don Casimere, investigative and appeals officer, city of Richmond, told the Advisory Committee:

Anytime there are folks in the community that feel there is a problem with the police or sheriff departments that they cannot resolve and feel that the departments do not want to hear what they are trying to say, then you have a problem and it is a problem that has to be overcome.²

The Advisory Committee begins this summary with concerns about law enforcement expressed at the factfinding meeting and at interviews conducted by Commission regional staff.

Use of Deadly Force

The use of a firearm, commonly termed an officer-involved shooting, is a major law enforcement incident and is sometimes referred to as a critical incident.³ It is tragic when such an inci-

¹ Generally, the majority of citizens do not have contact with law enforcement. The Advisory Committee also notes community support for law enforcement in the text of this report.

² United States Commission on Civil Rights, California Advisory Committee, Police Practices and Police-Community Relations in Sonoma County Forum, Santa Rosa, CA, Feb. 20, 1998 (hereafter cited as Transcript, 1998). Unless otherwise noted, all comments cited are from this transcript. Transcript, 1998, p. 138.

³ In 1993 law enforcement agencies of Sonoma County adopted a countywide procedure to deal with critical inci-

dent results in a fatality of a police officer, victim, or suspect. Elizabeth Anderson, executive director, Sonoma County Center for Peace and Justice, stated, "In the first 4 months of 1997, four people died at the hands of law enforcement in Sonoma County, and community groups [meeting] with local police had many unanswered questions related to those specific incidents and the system in place for review of law enforcement."⁴ Karen Saari of the October 22nd Coalition and a 25-year resident of Sonoma County, alleged that between April 1, 1995, and March 10, 1998, there have been 17 police-related deaths in Sonoma County, including 7 related to incarceration at the county jail.⁵

Cathleen N. Harvey, mayor, city of Healdsburg, wrote:

Our county has had a number of critical incidents involving law enforcement and injury or death to citizens involved in those incidents. I can assure you that our law enforcement is cognizant of this and alarmed at the number of incidents where law enforcement officers in this county are encountering citizens who are combative towards law enforcement.⁶

Judith H. Volkart, chair, American Civil Liberties Union of Sonoma County, told the Advi-

dents. It was revised in 1996. The policy defines a critical incident as an incident occurring in Sonoma County involving two or more people, in which a police agency employee is involved as an actor, victim, or custodial officer, where a fatal injury (including an injury which is so severe that death is likely to result) occurs. Sonoma County Law Enforcement Chiefs Association, Policy 93-1, revised July 1996.

⁴ Transcript, 1998, p. 6.

⁵ Karen Saari, Supplemental Report for the California Advisory Committee to the U.S. Commission on Civil Rights, Mar. 20, 1998. She also alleged that between 1990 and 1998 there have been 14 deaths associated with the county jail, with 5 occurring between June 7, 1997, and Mar. 9, 1998.

⁶ Cathleen N. Harvey, mayor, city of Healdsburg, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Mar. 12, 1998 (hereafter cited as Harvey Letter).

sory Committee that the community is very concerned about the high level of police killings and general police violence in the community. She said, "The eight deaths in the last 2 years have shocked our community and have created a great deal of concern," adding:

There are also two inmates who died while in custody and another inmate who died about 6 hours after serving 5 days in the county jail. We cannot say that each one of those deaths should not have occurred, but they are clearly an indication that there is something wrong in this county and we do not know what is wrong.⁷

Karen Saari reported her research in the summer of 1997 uncovered that Sonoma County had the highest rate of deaths by police of any county in the Bay Area. She said Sonoma County had 11; Alameda, 5; Contra Costa, 3; Marin, 2; Napa, 4; San Francisco, 6; Santa Clara, 7; and Solano, 3. Five of those 11 deaths, she added, occurred as a result of 911 emergency calls.⁸ In four of those five cases, she alleged, the people were killed within minutes of the arrival of the police officials on the scene. Saari said:

Something seems to happen when the police get into a situation. The situation does not diffuse. It, in fact, escalates to the point where the person seems to appear very threatened and it escalates to the point that the police officer seems to feel that he needs to employ deadly force.⁹

Tanya Brannan, victim advocate, Purple Berets, agreed, suggesting that the police unnecessarily escalate some incidents to a shoot or don't shoot situation. "[In the Kao incident], it would have been very easy for the officer to do what his fellow officer, the first on the scene told him to do—back up, wait for backup, don't get out of your car,"¹⁰ Brannan said. Nancy Wang, president, Redwood Empire Chinese Association, added, "I think the officer created his own problem. If he stayed in the car until backup arrived, maybe a life would have been saved."¹¹ Brannan

alleged, "There is no doubt that the second officer escalated that situation unnecessarily."¹²

The Advisory Committee was intrigued by the idea of diffusing situations and explored it further. Penny Harrington, director, National Center for Women in Policing, told the Advisory Committee that "in addition to teaching police officers how to defend themselves, we must teach them to de-escalate violence, how to mediate some of these situations." She added, "They may have a legal right to kill and take a life, but is it always necessary?"¹³

Barbara Londerville, a 10-year resident of Sonoma County and a volunteer at the Santa Rosa police station, said, "Any officer I have ever spoken to about [deadly force] would rather never have to use a gun or never have to use force. Every day an officer out on patrol can encounter anything: child abuse, domestic violence, accidents, public intoxication, fights, and personal attacks."¹⁴

Michael A. Dunbaugh, chief of police, city of Santa Rosa, said, "We have had 7 officer-involved shootings in the last 5 years, and in the 5 years prior to that there were 11. From our point of view, 1 is too many."¹⁵ Patrick Rooney, chief of police, Rohnert Park, added that since its formation in 1966, that city has had two officer-involved critical incidents involving a death.¹⁶ Rooney also agreed that one is too many.

Given the number of police shootings, the Advisory Committee questioned the adequacy of the use of force policies used by the departments. Chief Dunbaugh stated, "Our use of force policy is in conformance with State law and with our city attorney's recommendations,"¹⁷ adding:

Officers start with the continuum of verbal control, trying to control the situation by ordering people to stop, and raising their voice and taking control of the situation that way if they can. There is no requirement that you then graduate to your mace, and you then graduate to your nightstick. There is no requirement that you retreat. Those are options.¹⁸

⁷ Transcript, 1998, p. 15.

⁸ Ibid., p. 37.

⁹ Ibid., p. 39.

¹⁰ Ibid., p. 45.

¹¹ Ibid., p. 169.

¹² Ibid., p. 45.

¹³ Ibid., p. 119.

¹⁴ Ibid., p. 177.

¹⁵ Ibid., p. 62.

¹⁶ Ibid.

¹⁷ Ibid., p. 71.

¹⁸ Ibid., p. 83.

Dunbaugh noted that the policy is routinely reviewed. Cathy Harvey, mayor, city of Healdsburg, believes that law enforcement policies, practices, and positions are well written, well followed, are certainly not set in stone, and commonly get changed to reflect community sentiment and wishes.¹⁹ Phyllis Carter, mayor, city of Sonoma, wrote, "Internally, our police department and I am sure the others of this county, regularly review their respective policies, procedures and practices as well as identifying appropriate additions and/or changes to training protocols."²⁰

Jim Piccinini, sheriff, Sonoma County, said that his department is "fully compliant with State and Federal guidelines [on] the use of firearms."²¹ Chief Rooney noted that Rohnert Park's use of force and officer shooting policies are consistent with other departments' because it follows the county protocols²² which are a set of guidelines developed and adhered to by the county's various law enforcement jurisdictions.²³ The countywide protocol requires that each critical incident be investigated by a police agency other than the agency involved in the critical incident.²⁴ The investigation is reviewed by the individual department for possible violations of departmental policy.

The protocol states that an investigation should be "performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation which is free of conflict of interest."²⁵ In

some cases, the State attorney general and the Federal Bureau of Investigation evaluate the officer's actions.²⁶ Chief Dunbaugh wrote:

The incident is also reviewed by the Sonoma County Civil Grand Jury, an entity with subpoena power, citizen participation and access to the services of the district attorney and the Sonoma County Counsel. Thus, the Grand Jury incorporates most, if not all, of the characteristics of any citizen review board that might be established.²⁷

It is a function of the office of the county district attorney to investigate those incidents where deadly force is used by law enforcement officers to determine whether criminal charges may be necessary. This is not unique to Sonoma County and is the procedure in place throughout much of the State. J. Michael Mullins, district attorney for Sonoma County, told the Advisory Committee:

As the elected district attorney of Sonoma County it is my function to enforce the State statutes with reference to all uses of deadly force and conduct by a police officer. It's my duty to determine whether or not any penal statutes have been violated with the exercise of that particular force.²⁸

Mullins added that the critical incident protocol defines a number of scenarios where the law enforcement officer may be either a victim or the one who uses deadly force, and is designed to ensure that there is a concurrent investigation of the facts surrounding a particular incident.²⁹ He noted that the district attorney's perspective is to look at issues of criminal liability and administrative discipline if policies and procedures have been violated. In reviewing the record of one 1996 critical incident, the 1996-1997 grand jury found that "the District Attorney made his decision of justifiable homicide based on a report that contained incorrect information and the

¹⁹ Ibid., p. 172.

²⁰ Phyllis Carter, mayor, city of Sonoma, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Feb. 18, 1998 (hereafter cited as Carter Letter).

²¹ Transcript, 1998, p. 72.

²² Ibid., p. 83.

²³ In 1993 the office of the district attorney, office of the sheriff, and chiefs of the various law enforcement departments wrote a protocol or agreement that described what a critical incident was and how the district attorney would function when one occurred. Ibid., p. 85.

²⁴ Michael Dunbaugh, chief of police, Santa Rosa Police Department, *Executive Summaries for the Record with Attachments*, February 1998 (hereafter cited as Executive Summaries).

²⁵ Sonoma County Grand Jury, *Final Report, 1996-1997*, July 10, 1997, p. 9 (hereafter cited as Final Report, 1996-1997). The grand jury reported that "under the existing protocol, the agency or agencies, within whose geographical jurisdiction the incident occurs (venue agency), may choose

to lead the investigation of its own department or its own officers." The report recommends that the Chief's Association revise the protocol to make it mandatory that a noninvolved police agency take the lead in the investigation.

²⁶ Executive Summaries, p. 6.

²⁷ Ibid.

²⁸ Transcript, 1998, pp. 84-85. Mr. Mullins was elected district attorney in 1994 and has served as a prosecutor and assistant district attorney for Sonoma County.

²⁹ Ibid., p. 86.

backgrounds of two different men.”³⁰ The grand jury also found that the deputy district attorney assigned to the incident was not positioned in the interview room, but only observed the interview on closed circuit television and allowed personnel and ex-personnel of the venue agency to conduct the interview.³¹

The district attorney’s office has the option of breaking away from the concurrent investigation and investigating the incident solely with its own resources. But Mullins said that during his tenure as a deputy and as district attorney, he has never used that particular option.³²

In addition, the district attorney’s office, prior to the Advisory Committee’s meeting, did not keep statistical records on the number of critical incidents. Mullins noted that to his knowledge, in the past 5 years the office has not filed a criminal complaint against a police officer for the use of deadly force. In the past 3 years, however, it has filed a complaint against a police officer for misuse of his authority.³³ Although the district attorney has not filed any criminal charges in such incidents, Mullins suggested that the individual departments may have imposed some form of discipline.

Penny Harrington said the district attorney probably did not take any action on police officers because they were within their legal right to take a life but suggested that the community should ask, considering the circumstances, if there were other things they could have done first.³⁴ She believes there must be a commitment to alternatives on the part of law enforcement command and training in mediation techniques for officers.

Harrington added, “There is always going to be those situations where a police officer responds and somebody pulls a gun and it’s over; that is going to happen.” James Carlson, a law enforcement officer, said people are refusing to disarm and comply with the commands of the police, forcing officers into situations of self-defense.³⁵ Eric Goldschlag, an 11-year veteran of

the Santa Rosa Police Department described an incident that quickly evolved into deadly force:

I was investigating an incident where a gas station attendant alleged he had been threatened by an individual with a screwdriver. I spoke with the suspect and asked that he take his hands out of his pocket. [Within a second] the suspect removed his hand from his pocket and struck me in the head as hard as he could with the pointed end of the screwdriver. [Within another second] I realized the suspect was poised and was threatening to strike me again in the head trying to kill me. I was forced by the suspect’s actions to defend myself.

I don’t understand why the suspect felt it was necessary to try and kill me. I don’t understand why he didn’t think about the consequences of his actions before he committed them. I don’t understand why the suspect didn’t think about his children and wife before acting so violently against me. I don’t understand why he didn’t think about my loved ones before trying to kill me.

I hope these violent acts being committed against our law enforcement community end soon. We all want to work together within our community to make this county a better place to live and a better place to raise our children.³⁶

The Advisory Committee is aware that the threat of violence is an inherent aspect of police work and agrees that an officer who takes longer than a millisecond to react may suffer severe consequences. When an individual commits to a career in law enforcement, the specter of a violent confrontation sometime in the officer’s career is a real possibility. According to statistics provided by the Criminal Justice Statistics Center, California Department of Justice, county-wide in Sonoma, 65 officers were assaulted in 1998, 64 in 1997, 64 in 1996, 85 in 1995, 60 in 1994, and 62 in 1993.³⁷ During the period 1993–1998, in Sonoma County one officer was killed in the line of duty.³⁸

Cathy Harvey, whose husband is a police officer, said once while on duty he was “in a position where he was at threat of losing his life. Fortu-

³⁰ Final Report, 1996–1997.

³¹ Ibid.

³² Transcript, 1998, p. 86.

³³ Ibid., p. 99.

³⁴ Ibid., p. 119.

³⁵ Ibid., p. 141.

³⁶ Ibid., pp. 142–43.

³⁷ State of California, Department of Justice, Bureau of Criminal Information and Analysis, Criminal Justice Center, “Peace Officers Killed or Assaulted by County,” *Annual Reports* (hereafter cited as DOJ Annual Reports).

³⁸ DOJ Annual Reports. A law enforcement officer was killed in 1995.

nately, it ended with minor injuries to the man that he had chased down and arrested and my husband was not killed.”³⁹ She added:

Had he been in the position where he had to do harm to another human being, it would have been devastating not only to him but our entire family and friends. Nobody takes that responsibility lightly, and nobody takes it as an opportunity to do harm to another human being. There are two sides to every story.⁴⁰

Pia C. Jensen, councilwoman, city of Cotati, wrote:

I know that a police officer’s job is difficult, dangerous and sometimes deadly, but police seem to have forgotten that their job is to serve and protect the public. The recent cases here show that a problem with police does exist and that attitudes have to change.⁴¹

Toni McDonald, vice president, Concerned Police Survivors, said:

When a person pulls a gun on a police officer or anyone else, they are there to shoot and kill. Our son, a 24-year-old police officer, and his partner were both shot five times [when] making a routine traffic stop. When [officers] go out in the morning they have no idea if they are going to come home. A lot of them don’t. We lose too many police officers every year. I have the most respect for officers in every town; they go out and put their lives on the line to protect citizens. There are some bad ones, there are bad people in every line of work. The majority of [police officers] are good and do a great job.⁴²

Community spokespersons, however, told the Advisory Committee that there are situations where actions other than a shooting may suffice and alternatives must be considered. Officers are not always confronted by suspects or victims carrying or pointing firearms. Karen Saari suggested that the officer confronted by the screwdriver “could have protected himself by simply backing up.”⁴³

Penny Harrington stated:

³⁹ Transcript, 1998, p. 173.

⁴⁰ Ibid.

⁴¹ Pia C. Jensen, councilwoman, city of Cotati, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Feb. 20, 1998.

⁴² Transcript, 1998, pp. 179–80.

⁴³ Ibid., p. 44.

I tried to read all the press reports on the shootings up in this area. You can read both sides, but it is hard to say how accurate any of it is. But I think there were some opportunities in some of those situations where some things could have been tried to de-escalate the situation instead of immediately resorting to deadly force.⁴⁴

Donald Casimere, investigative and appeals officer, city of Richmond, agreed and said there is a need for officers to be trained on options in a given situation. “What is justified for an officer to do legally may not be the most appropriate action, and one inappropriate action, although justified, can inflame a community and set you back months or years in community relations,” he said.⁴⁵

From those who presented criticism of law enforcement in the county, the Advisory Committee detected an underlying fear of officer motives and actions. Duane DeWitt, a resident of Santa Rosa, asked “Is there a shoot-to-kill policy for Sonoma County law enforcement agencies, and if so, does it violate the civil rights of people who are killed while only suspected and not convicted of a crime?” Isabel Huie, civil rights officer, Chinese for Affirmative Action, noted that the Asian American community questioned whether a warning shot could have been fired before the shooting death of Mr. Kao. She added:

The officer was cleared of this killing because he followed correct procedures. These correct procedures should be revised and analyzed because these were the very procedures that allowed eight other persons to be killed under questionable circumstances in this community.⁴⁶

Vicki Vidak-Martinez, vice mayor of the city of Rohnert Park, said that the officer and the public safety department have been exonerated by four investigations into the Kao incident, but allegations continue.⁴⁷ Louis Beary, a former mayor and councilman in Rohnert Park, alleged that there have been other deaths in that city that have not been properly investigated.⁴⁸ Cornelius Hall, a retired fire captain whose son had been shot said, “The families do not get re-

⁴⁴ Ibid., p. 127.

⁴⁵ Ibid., p. 138.

⁴⁶ Ibid., p. 156.

⁴⁷ Ibid., p. 164.

⁴⁸ Ibid., p. 163.

ports from the police and reports from the district attorney are verbatim from the police [record].” He also alleged that police policy is shoot to kill, adding, “When police train they learn to shoot at torsos; they kill no matter whether they see people with a gun or not.”⁴⁹

The Advisory Committee noted that fear of police was pervasive. Kit Mariah said:

If I were left for dead in the city streets of Santa Rosa in the middle of the night and the only person available to reach out to was a Santa Rosa Police Department officer, I would use what energy I had left to crawl under a car to hide from him. I wouldn't call on him for help.⁵⁰

Jaime Gutierrez of the Salomon Hernandez Justice Committee alleged that one witness to the Hernandez incident has been intimidated into exclusion and is in hiding because he is scared for his life.⁵¹ Sherryl Nives commented that before a recent incident her opinion of the sheriffs and police was one of trust, respect, and safety, but she is now more afraid of her local sheriffs than of anybody in her neighborhood. She described the incident:

On the evening of February 6, my next door neighbor committed suicide. His mother came running over screaming for help. My husband ran back with her [to the house] and I called 911. The next thing I know there is a loud knock at the door, it's thrown open and there are two sheriffs with guns drawn coming in. I said, “It's not here, it's next door.” They asked, “Where's next door?” As the deputies are walking away with guns in hand, I said, “This is a peaceful situation.” I later found out that they put guns to my husband's head and told him he was a suspect. A suspect for what, helping two hysterical women coping with a very intense tragedy?

The deputies' overzealousness with their guns could have killed my 4-year-old had she been dancing in the living room when they opened the door or my husband next door had he moved wrong or sneezed.

I have now had direct contact with our local sheriffs under an emergency situation, and I come away shocked, appalled, and the worst part is I am now afraid of these people, especially in a stressful situation which is when I should be able to rely on them

⁴⁹ Ibid., p. 165.

⁵⁰ Ibid., p. 168.

⁵¹ Ibid., p. 141.

the most. What happened to our local law enforcement's sense of good judgment?⁵²

Some community representatives agreed that calls for help could be deadly. Karen Saari of the October 22nd Coalition told the Advisory Committee:

There were five deaths that resulted from 911 calls for help. None of these persons were criminals. . . . All of them were having some kind of psychiatric episode. . . . and in four of the cases the people were killed within minutes of the arrival of the police department.⁵³

Steven Campbell, staff, Sonoma County Homeless Coalition, said, “Far too many people have unnecessarily lost their lives at the hands of overzealous, poorly trained, and undersupervised police officers [willing to use] a homicide as a means of expediting a situation which offers multiple alternatives.”⁵⁴ He alleged that “bad and even sadistic police officers are protected by their peers under a strict and criminal code of silence.”⁵⁵

John Gurney, chief of police, city of Sonoma, believes his department has excellent dialogue with the community and that the police chief and city council members are accessible. He believes the law enforcement community in Sonoma County is excellent and his colleagues are equally accessible and concerned about professionalism and the work they do in providing public safety services to Sonoma County.⁵⁶ Sean Jones, a resident of the county, disagreed stating, “The only community that they are part of is a community of cops.”⁵⁷ The Advisory Committee notes that these opposing two sentiments characterized the comments it heard throughout the factfinding meeting.

Accountability

Judith Volkart told the Advisory Committee that a segment of the county population believes there is an absence of accountability by law en-

⁵² Ibid., pp. 176-77.

⁵³ Ibid., p. 39.

⁵⁴ Ibid., p. 35.

⁵⁵ Ibid.

⁵⁶ Ibid., p. 170.

⁵⁷ Ibid., p. 173.

forcement to the community and to any organization that they cannot control.⁵⁸ She said:

The front line for accountability is not the courts. It is not the criminal court, and it should not be the civil court. It should be the community who the officers are here to serve and to protect. But unfortunately, law enforcement has been creating the impression that they have something to hide. Resistance to independent review is evidence of that.⁵⁹

Sheriff Piccinini, following a lengthy description of sheriff-officer involvement in a myriad of community activities,⁶⁰ said he believed he had a fair assessment of how the citizens feel about law enforcement in Sonoma County and that they are confident in what the sheriff's department is doing. He was concerned that the Advisory Committee may have been misled by certain special interest groups who have distorted or misstated factual information.⁶¹ Judith Volkart disagreed with this assessment, stating:

There seems to have been a concerted effort to define those of us who are asking for independent review, who are pushing for an improvement in law enforcement, as being law enforcement critics, or fringe elements, or out of the mainstream. I believe that tends to disenfranchise what is in my view the operation of good government. That it is my responsibility as a member in this community to try to make it the best place I can [and] to be sure that law enforcement standards are as high as the standards my community holds.⁶²

Chief Dunbaugh reported that the entire structure of the Santa Rosa Police Department has been modified and streamlined to provide

⁵⁸ Ibid., p. 15.

⁵⁹ Ibid., pp. 16-17.

⁶⁰ The department hosts community meetings in various parts of Sonoma County; hosts and participates in youth events and school activities, such as bicycle rodeos, DARE programs, Hug a Tree programs, police visits to schools, Floyd the Shark, and Stranger Danger; participates in community events with employees on their own time but representing the department, such as fundraising for youth sport activities, public educational television, American Heart Association, School Plus, Project Graduation, and a long list of other community events; provides several crime prevention programs, such as Neighborhood Watch, Farm Watch, personal safety programs; and hosts a citizens academy that began in 1997. Ibid., p. 50.

⁶¹ Ibid., p. 51.

⁶² Ibid., p. 26.

"superior professional services" to the people in the community. He said:

Our structure was further designed to facilitate our neighborhood-oriented policing approach to conducting business. Santa Rosa has some very distinct neighborhoods, and we have taken the approach of working closely with neighborhoods and their associations and the people who live there, many of whom work for me.⁶³

...

Our department is an open organization. We routinely provide information that is requested assuming that we can do it without violating a law concerning confidentiality in the process. We are protective of our crime victims. We are not a department that harbors secrets. What you ask for you will get. No one gets turned away. The open door policy is external and internal.⁶⁴

Chief Rooney added that his department and all of its employees are committed to the community, with 92 percent living within the city and 100 percent of sworn strength living within a 4-mile radius of the community.⁶⁵ He said, "The officers and staff of [the Rohnert Park police] are members of this community and feel a sense of ownership and pride in preserving the personal sensitivity and friendliness that is the hallmark of the community."⁶⁶

Chief Dunbaugh⁶⁷ and Chief Rooney⁶⁸ also described community activities and volunteer

⁶³ Ibid., p. 54.

⁶⁴ Ibid., p. 57.

⁶⁵ Ibid., p. 60.

⁶⁶ Ibid., p. 61.

⁶⁷ Some of the Santa Rosa Department programs included: implementation of a Citizens Police Academy and a Volunteers in Police Service Program; development of a Mental Health Response Team; procurement of grants to improve conditions related to youth and substance abuse; development of the Domestic Violence Prevention and Response Program in partnership with the YWCA; acting as instructors at the junior college; and employee involvement in church youth and adult groups, Little League baseball, boys and girls scouting, softball, swim teams, and community service organizations. Ibid., pp. 55, 58.

⁶⁸ Some of the Rohnert Park police department programs included: host agency for Torch Run for the Special Olympics; DARE program; through a Federal Cops Fast Grant assigned a full-time officer to the middle and high schools; Beat the Heat; sponsored and coordinated a Youth and Family Services program; promoted diversion programs, including ride along; Neighborhood Watch; staffed a weekly sports center; initiated and developed Building Bridges to

efforts of their officers. Mayor Harvey of Healdsburg wrote of a variety of programs offered by the police department and listed off-duty hour community involvement of police personnel.⁶⁹ The Advisory Committee was told that officers of the other law enforcement jurisdictions are similarly engaged in departmental programs and off-duty community involvement. These efforts provide the basis for a positive relationship with the community, and while the Advisory Committee finds officer involvement in volunteer activities laudable, they are not unique or unusual. Many individuals in a community volunteer their time and efforts in a myriad of ways. A community is enriched by its level of volunteerism on the part of all its citizens. However, the focus of the Advisory Committee's factfinding meeting was police practices and procedures that affect Sonoma County citizens, and accountability should be a major element in the police-community relationship.

Don Casimere, investigative and appeals officer, Richmond Police Commission, told the Advisory Committee that people must be aware of, be comfortable with, and have confidence in accountability mechanisms that are established.⁷⁰ Casimere added, "There needs to be some place where people can go, not feel intimidated, and get a fair shot at getting the answers that they deserve."⁷¹ Penny Harrington, director, National Center for Women in Policing, agreed, noting that public accountability is necessary. "You cannot have police agencies today that do not have public accountability and oversight. Departments are not here to serve the police, but to serve the public," she said.⁷²

John Parker, executive officer, San Diego County Citizens Law Enforcement Review Board, added that effective civilian review partnered with response from police management can benefit officers at all levels.⁷³ Casimere and Parker agreed on the importance of periodic public reports to city councils, the board of supervisors, and the community at large—those

increase understanding of cultural diversity. Officers also volunteer in diverse community organizations for youth and adults. *Ibid.*, pp. 60–61.

⁶⁹ Harvey Letter.

⁷⁰ Transcript, 1998, p. 113.

⁷¹ *Ibid.*

⁷² *Ibid.*, p. 121.

⁷³ *Ibid.*, p. 122.

who receive police services. Casimere noted, "There are certain things that you can measure, such as citizen complaints filed [and their] disposition, numbers of police policies reviewed, policy recommendations made and implemented, numbers of investigations, [and] number of claims filed and paid out."⁷⁴

Law enforcement management in Sonoma believes their services are responsive and well received. Chief Rooney said:

We pride ourselves on being responsive to the community and including the community in our processes. Our strategic plan was developed by a cross-section of the community. . . . We employ a 5-a-day program which solicits information from five calls selected randomly from our support services division which follows up to assure customer service, quality assurance, and suggestions for improvement. All complaints are investigated as internal affairs issues.⁷⁵

Sheriff Piccinini added that the sheriff's department contracted with a private consultant in 1994 to assist in the construction of a credible survey for the purpose of determining public sentiment regarding delivery of service. Eighty-five percent of the respondents rated the sheriff's department's overall service as excellent or good.⁷⁶

Chief Dunbaugh said professional surveys were conducted in 1993 and 1995 by the Results Group, a private firm, and 82 percent of citizens gave the police department an overall rating of good to excellent. He noted that in 1997 the city conducted a voter survey on a pending utility tax issue which also sought a simple rating of police services. Seventy-eight percent of those responding provided a high evaluation of the quality of police services in the city of Santa Rosa.⁷⁷

Bill Stirnus and Cindy Pilar of the Santa Rosa school system shared a letter signed by the superintendent of schools, district office personnel, and administrators of 22 elementary, middle, and high schools:

⁷⁴ *Ibid.*, p. 125.

⁷⁵ *Ibid.*, p. 59.

⁷⁶ *Ibid.*, p. 50. Neither the State Advisory Committee nor Regional staff were provided with a copy of the survey.

⁷⁷ *Ibid.*, p. 56. Neither the State Advisory Committee nor Regional staff were provided copies of the survey.

The police department has been exceptionally open to suggestions and ideas from school personnel on ways to effectively curb disruptions that may occur. The degree of mutual trust, respect, and ongoing communication between schools and local law enforcement has resulted in safe, orderly campuses in our community.

Our experience has shown these officers in some of the most stressful situations, and we are here to tell you that they conduct themselves with skill, compassion, and discretion to the extent that each situation dictates.

The police department currently has review processes and structures that effectively monitor police actions and decisions. None of us could do any job well with someone looking over our shoulder and second-guessing every decision we make. These people are trained to make split-second, life or death decisions, and we are thankful that we do not have to make those decisions ourselves.⁷⁸

Vicki Vidak-Martinez added, "Sonoma County law enforcement has demonstrated its responsibility, accountability, and capacity for discipline which has earned them little respect or acknowledgment."⁷⁹ Sean Jones disagreed stating, "The police kind of just go around and do whatever they want and harass people pretty much for nothing, show no respect at all to anybody."⁸⁰ Kalia Mussetter said, "There are many police of good heart in this county because I know them . . . though on the other hand there is a lack of ethical treatment of people in the community by law enforcement. I've experienced that personally."⁸¹ She alleged that there are some officers who are abusing their power and one person being mistreated in that way is one person too many.⁸² Claudia Rickman, a 14-year resident of Cotati who has lived in Rohnert Park for the past 2½ years, described her June 3 encounter with some Sonoma County sheriffs:

I answered a knock at my door. [A voice said,] "We are the Sonoma County sheriffs and have a warrant for your son's arrest." I said, "Can I see your warrant?" These [people] did not look like sheriffs nor police, they looked like Bodega fishermen. They were undercover, but I didn't know that. I asked three times to

see a warrant. I asked, "Do you have some identification like a badge?" I was taken by the arms and moved to the side of the door and shown a pair of handcuffs. About three officers, men in jeans and knit shirts went upstairs, and I turned to see the last one pull a revolver out of the back of his belt. They took my son away and he was accused of home invasion robbery.

[Those officers] invaded my home and took my son away at gun point. All I am asking is for a little respect. Show me your identification. How do I know you are not a thug, you don't look like a policeman nor a sheriff. Where are my dignity and my rights? This is my home. Someone who is robbed has the police to turn to, but I was robbed by the police and who is going to protect me? What did I do? Right now there is no one to [whom I can] appeal.⁸³

Kalia Mussetter told the Advisory Committee, "I need to feel safe with my local police and I don't."⁸⁴

Complaint Handling

The law enforcement jurisdictions reviewed by the Advisory Committee have systems and procedures in place to handle citizen complaints. However, the Advisory Committee heard concerns about the system and allegations that the departments discourage complaints and are unresponsive. For example, the Santa Rosa Police Department's official complaint procedure allows supervisors to unilaterally label any complaint a mere inquiry. According to John Crew, director, Police Practices Project, American Civil Liberties Union, labeling "any complaint a mere inquiry ensures that the complaint will not be formally investigated, reported in the complaint statistics, and apparently, will not be maintained in the officer's file and produced pursuant to discovery requests in litigation."⁸⁵

Elizabeth Anderson said that filing a complaint to the alleged perpetrator is intimidating, and many victims or alleged victims of police misconduct are very reluctant to do so. She added that the 1996–1997 grand jury report noted that many Sonoma County law enforce-

⁷⁸ Ibid., pp. 160–61.

⁷⁹ Ibid., p. 164.

⁸⁰ Ibid., p. 173.

⁸¹ Ibid., p. 193.

⁸² Ibid., p. 194.

⁸³ Ibid., p. 188.

⁸⁴ Ibid., p. 194.

⁸⁵ John M. Crew, director, Police Practices Project, American Civil Liberties Union of Northern California, San Francisco, letter to Sharon Wright, mayor, and members of the city council, city of Santa Rosa, Oct. 9, 1998.

ment agencies had a lackadaisical attitude toward civilian complaints.⁸⁶

Don Casimere, investigative and appeals officer, city of Richmond, said:

There are people in every community who, when they have a complaint against law enforcement, would like to file that complaint. Some don't mind taking it to the police department's internal affairs unit and do. When you walk into a police department to file a complaint, it is a highly controlled and sometimes intimidating environment and some people are intimidated by that process.⁸⁷

Tanya Brannan said that two grand jury investigations have criticized the sheriff's department for its complaint procedure. The 1996–1997 Sonoma County Grand Jury found that “not all Sonoma County law enforcement agencies had complaint forms displayed and available to the public.”⁸⁸ Brannan alleged, “It is almost impossible to figure out how to make a complaint, and when you do, you don't get advised back.”⁸⁹ Sheriff Jim Piccinini disagreed and said complaints can be filed in a couple of different ways:

First of all you can make a telephone complaint and there are written forms. We will mail you a written form or you can come into the office and pick [one] up. Our philosophy is to try and resolve the issue as quickly as possible. If a citizen walks in and says, “I would like to file a complaint,” we have a supervisor make contact with them as quickly as possible and see if we can resolve the issue right there. If they can't resolve the issue or the citizen doesn't feel that it's been resolved to their satisfaction, they are given a citizens complaint form to fill out and mail to our department. When it is received, it is sent to the department's Special Investigations Unit, an internal affairs unit, staffed by a lieutenant and two sergeants. That unit is answerable to the administrative captain who ultimately answers to the assistant sheriff. [All complaints] are assigned a number, tracked, and there is an expectation that it will be completed. We send the complaining citizen a result of the investigation in writing.⁹⁰

⁸⁶ Transcript, 1998, p. 9.

⁸⁷ *Ibid.*, p. 109.

⁸⁸ Final Report, 1996–1997.

⁸⁹ Transcript, 1998, p. 42.

⁹⁰ *Ibid.*, p. 66.

Piccinini reported that the results of an October 1997 survey indicated that there was an increase in the number of people who felt comfortable calling the department to offer information or make a complaint.⁹¹

Chief Dunbaugh said, “Inside the Santa Rosa Police Department we take pride in policing ourselves,” adding that during the 5-year period 1993–1997, there were 121 administrative investigations, and 77 resulted in findings of sustained, 10 were unfounded, 31 were exonerated, and 3 were inconclusive.⁹² He noted that the cases that were sustained resulted in 48 written reprimands, 2 corrective interviews, 22 suspensions totaling 910 hours, and 4 terminations.⁹³

Chief Rooney said all complaints received by the Rohnert Park department are investigated as an internal affairs issue. He told the Advisory Committee that all complaints receive a tracking number and are investigated.⁹⁴

Some within the community were still dubious of the process. Brannan provided an example of a recent incident with a local police department:

A man was harassed by the police and called the Santa Rosa department to file a complaint. He made repeated contacts with the police and was discouraged again and again. He was told, “Well, look, I am the guy that is going to review your complaint and I can already tell you I don't think it has any merit. So I don't think you need to bother to file a formal complaint.” He had to insist on getting the forms to file a formal complaint and hand it over to a man who has already prejudged it without reading it.⁹⁵

Chief Dunbaugh said, “If an officer was discovered to be playing a role in trying to prohibit, eliminate, or dissuade an individual from making a complaint, discipline in a case like that would probably be termination.”⁹⁶ Termination for that cause, however, has not occurred in his brief tenure with the department.

In response to concerns that citizens feel intimidated entering a police building, Chief Dunbaugh said individuals walk into the offices of

⁹¹ *Ibid.*, p. 51.

⁹² *Ibid.*, p. 56.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, p. 60.

⁹⁵ *Ibid.*, p. 42.

⁹⁶ *Ibid.*, p. 67.

the city council and mayor who have open door policies and are not confronted by uniforms, guns, or the law enforcement presence.⁹⁷ Community spokespersons alleged that approaching elected officials has proven unproductive. Elizabeth Anderson said, "We approached the Santa Rosa City Council asking for a dialogue about the high number of deaths, and their response referred to our scheduled meetings with the police chief, and we have not heard anything from them since."⁹⁸ In conversations with council members, she alleged she had always been encouraged to speak directly with the police chiefs. But she said, "All our attempts to reach out to an open dialogue with our elected officials and local leadership have been met with closed doors."⁹⁹ Sharon Wright, mayor, city of Santa Rosa, wrote:

Our City Council has taken a proactive stance concerning our police and community relations via the public hearings we have held, by our assignment of a City Council Sub-Committee to the NOPCAB [Neighborhood Oriented Policing Community Advisory Board], by our endorsement of the NOPCAB and by our direction to the Department to create an Ombudsman Program to assist citizens in filing and resolving complaints against the Police Department.¹⁰⁰

The district attorney's office is also available as a resource for complaints. J. Michael Mullins, district attorney, said, "If a citizen walks into my office and wishes to make a complaint about a particular police officer, the direction to the receptionist is to contact our investigative section and have that citizen interviewed by one of our investigators, not to send the citizen back to the internal affairs division."¹⁰¹ When questioned regarding whether the option of filing a complaint with the district attorney's office was public information, Mullins said, "I can't say that I've made an effort to broadcast that informa-

tion."¹⁰² Thomas Twiddy questioned whether filing a complaint with that office would go anywhere, alleging that "the district attorney has never found one officer guilty since he has been there."¹⁰³

Community representatives also expressed concerns to the Advisory Committee that the time involved in resolving the complaint and notifying the complainant was excessive. The grand jury wrote, "Many law enforcement agencies' internal investigations required six to eleven months, leaving the complainants with the impression that they were being completely ignored. No progress reports were made during the course of the investigations."¹⁰⁴

Claudia Turner alleged her complaint about police sexual abuse and excessive force following an October 15, 1995, incident was never handled seriously:

Two investigators came on November 21, took every bit of information and said, "We are here for a burglary report." I got a letter in writing from the chief saying there was no police misconduct. I went to the city manager and he rubber stamped the chief of police. I went to my city council person and she never returned a call. So I am now in the Federal courts.¹⁰⁵

Kit Mariah said she intended on being arrested for civil disobedience in front of the Federal Building while protesting the Gulf War, but alleged she was not expecting to be "beat up" by the police. She told the Advisory Committee:

I have compound injuries to my back. When it was time to arrest me, I held my hands out in front of me and said, "I am a person with an injured back, please cuff me in front and not in the back so you will not injure me." That was construed as resisting arrest.

I was lifted off my feet and dangled in the air and was in severe pain. While trying to get out of pain, my left foot grazed the pants leg of the police officer. He took that as assaulting a police officer. I was thrown to the floor, hurt further, injured, and cuffed behind the back so tight that I have permanent injury to my hand.

⁹⁷ Ibid., p. 68.

⁹⁸ Ibid., p. 8.

⁹⁹ Ibid.

¹⁰⁰ Michael A. Dunbaugh, chief of police, city of Santa Rosa, letter and supplemental report to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Dec. 22, 1998. The supplemental report included a letter with documentation from Sharon Wright, mayor, city of Santa Rosa, to the California Advisory Committee, Dec. 9, 1998.

¹⁰¹ Transcript, 1998, pp. 104-05.

¹⁰² Ibid., p. 105. At the time of the factfinding meeting, the district attorney was considering the establishment of a Web site and stated he would consider putting a citizen complaint section on that site.

¹⁰³ Ibid., p. 190.

¹⁰⁴ Final Report, 1996-1997.

¹⁰⁵ Transcript, 1998, p. 158.

I tried to complain at the time of my arrest and shortly thereafter. I was given numbers to call at the police department. When I was booked, I tried to complain. I was repeatedly told the same thing, "Tell it to the judge."

I was charged with resisting arrest, blocking an entrance, and assault on an officer. I lived with those false charges for a year and a half and finally, when I was ready to go to trial, they decided to drop them. I then pursued a case against the city of Santa Rosa which finally came to trial 4 years after the incident. The judge didn't believe a word I said and I lost the case.¹⁰⁶

Don Casimere said, "People want more than just putting a complaint into the process, sitting back, not hearing anything for months, and then waiting for a letter to come in the mail."¹⁰⁷

Domestic Violence

Penny Harrington, director, National Center for Women in Policing, told the Advisory Committee that domestic violence is a national and global problem with which all law enforcement is struggling. In Sonoma County, there were community complaints that allegations of domestic violence are not handled with sensitivity or adequately by any of the county's police departments, sheriff's department, or the district attorney's office, which sometimes leads to tragic results. Tanya Brannan told the Advisory Committee about one case as "a way of highlighting the problems that exist for women vis-à-vis law enforcement in the county":

On April 15, 1996, a 36-year-old mother of three was murdered by her husband who then [also] shot her mother before killing himself. Three days later the newspaper headlines read: "Cops Wrap Up Investigation." [A representative] of Sonoma County Women Against Rape and I investigated the woman's prior contacts with law enforcement. Nearly a year before her murder, she had reported her husband's physical and sexual abuse. A criminal investigation was opened and no charges were filed. The woman then obtained a restraining order 3 months before her death. Between the date of the restraining order and her death, we can document at least 22 times that the victim turned to law enforcement for help. Despite a mandatory arrest policy on restraining order viola-

tions, the husband was never arrested, and only two police reports were written.¹⁰⁸

Harrington said the passage of the Violence Against Women Act and other national initiatives have forced States and local agencies to take domestic violence seriously and treat it as a crime.¹⁰⁹ But some community spokespersons do not believe it is being taken seriously in Sonoma County.

Since the incident she described occurred, Brannan alleged five more domestic violence homicides have occurred in the county, adding, "The California State attorney general launched two investigations into domestic violence policies and procedures and both turned up glaring ineptitude and deep-seated attitudes that virtually assured continued failures of the system for women."¹¹⁰ Virginia McCullough, a freelance journalist from Alameda County, also looked at that murder case and suggested that the victim was worse off than she would have been had she never sought enforcement of the restraining order because the sheriff's department merely informed her ex-husband of her calls and requests which, she alleged, increased the risk of serious assault.¹¹¹

Jim Piccinini, sheriff, Sonoma County, said he is aware of the issues of domestic violence and told the Advisory Committee of the sheriff's department's current strategy and programs:

In November 1995, the department applied for a Federal grant for domestic violence. In October 1996, the department created a new unit of domestic violence/sexual assault which focuses on family violence. [Through a] partnership with the YWCA, district attorney, and sheriff's department, that unit consists of a detective sergeant, five detectives, two victim advocates, two victim counselors, a deputy district attorney, a district attorney investigator, and clerical support all under one roof in an off-site facility.¹¹²

At the time of the Advisory Committee's fact-finding meeting, Brannan was working with a victim whose ex-partner had violated a restraining order 15 times and was not in jail. She

¹⁰⁶ Ibid., pp. 166-67.

¹⁰⁷ Ibid., p. 135.

¹⁰⁸ Ibid., p. 29.

¹⁰⁹ Ibid., p. 117.

¹¹⁰ Ibid., p. 30.

¹¹¹ Ibid., p. 183.

¹¹² Ibid., p. 52.

alleged that despite the mandatory arrest policy, she had never heard of a violator being arrested if his only crime was violating a restraining order.¹¹³

According to Harrington, the real problem in domestic violence is that police officers are often the offenders: national self-reporting studies show that domestic violence occurs in 40 percent of police families.¹¹⁴ She said:

The chances of a woman in this community getting someone who batters answering her call to police is pretty high. That is not unusual around the country because police officers do not get convicted of domestic violence because they don't get arrested for it because their buddies cover up for them. You have to have policies in the department that say, if you get a call on domestic violence at a police officer's house, you will report it. That officer will be treated as any other person in the community. These complaints do not go to internal affairs and get buried there.¹¹⁵

This pattern was evident in Sonoma County. Brannan noted that two brothers, both sheriff's deputies, were the subject of domestic violence restraining orders. She added:

In one case, the restraining order was filed by an ex-girlfriend who reported that the deputy had left a note on her car [threatening death]. An internal investigation launched into the incident ruled that no department policies had been violated. The idea that death threats do not violate department policy is appalling. Not surprisingly, it was the same deputy who most often [ignored] more than 20 calls for help [from the murder victim described earlier]. Finally, after 10 internal investigations, the deputy was fired.

In the other case, the restraining order was filed by the deputy's wife and served by the sheriff's department, [but] no [immediate] action was taken against the deputy. A year later, the deputy was convicted of felony spousal abuse. The district attorney held the case up as an example of how the system is working to protect domestic violence victims.¹¹⁶

District Attorney Mullins said he has no written policy regarding police officers convicted of domestic violence.¹¹⁷ Harrington added, "No one does anything with police officers that get convicted of domestic violence except fire them."¹¹⁸

Harrington alleged domestic violence within police agencies also affects how police deal with it in the larger community and the attitude police officers have toward it.¹¹⁹ Brannan noted an officer who responded to many domestic violence calls had complaints against him for that issue. She said, "He was arrogant, made denigrating comments about how women are more responsible for domestic violence than men and things like that"¹²⁰ She added that he was no longer with the department but she continues to see police reports that "only vaguely resemble the incident they are documenting with key information, including physical evidence provided to the police at the scene [either not mentioned or so distorted] that it is rendered meaningless."¹²¹ She also alleged that the district attorney was unresponsive to domestic violence, stating, "Victim's rights are constantly being violated by police and district attorney personnel [and] victims are denied their right to have an advocate present in interviews with law enforcement in defiance of the law."¹²²

In response to the suggestion that his office is unresponsive to domestic violence, Mullins noted:

There have been groups critical of our program concerning domestic violence, and we have responded to that. We established a vertical prosecution unit with certain prosecutors assigned to a Domestic Violence/Adult Sexual Assault Unit supervised by my assistant and designated to handle felony cases from filing until sentencing.

We obtained a grant from the Department of Justice through the spousal abuse prosecution program and funds from the board of supervisors for domestic violence counselors. The victim is assured of confidentiality, and the counselors receive an extra copy of the

¹¹³ *Ibid.*, p. 30.

¹¹⁴ *Ibid.*, p. 118.

¹¹⁵ *Ibid.* Harrington noted that in 1997 the Los Angeles Police Department audited 270 cases of police domestic violence and found that hardly any of the cases were referred to the district attorney's office for prosecution. That study found that 29 percent of the men on the department who committed domestic violence were promoted after the fact.

¹¹⁶ *Ibid.*, pp. 31-32.

¹¹⁷ *Ibid.*, p. 102.

¹¹⁸ *Ibid.*, p. 131. Harrington added that the International Association of Chiefs of Police is developing a model policy on police family violence that includes mandatory reporting, arrest, etc.

¹¹⁹ *Ibid.*, p. 119.

¹²⁰ *Ibid.*, p. 40.

¹²¹ *Ibid.*, p. 30.

¹²² *Ibid.*

police report [so that they may] make contact with that victim. [A second] copy of the report is for the defense at discovery, and [a third] is for the prosecutor to make a determination on whether to file the charge. We have managed to expand that to both felony and misdemeanor cases. We obtained funds from the board of supervisors to establish a domestic violence court.¹²³

Brannan countered that the district attorney's office continues to refuse to give stay-away orders in domestic violence cases and the domestic violence/sexual assault vertical prosecution team has never been weaker, with only two prosecutors working felony cases, down from four.¹²⁴ She said:

If the district attorney has a pattern of not filing on certain types of cases, arrests for those incidents decline. If the district attorney has a pattern of asking only for probation and no jail time on restraining order violations, judges almost always go along. If the district attorney rubber stamps every police shooting as justified, the shootings continue unabated.¹²⁵

Lack of Gender and Ethnic Diversity

There were community allegations that the law enforcement departments lacked ethnic and gender diversity among their sworn employees. Elizabeth Anderson noted that following a fall 1997 meeting with the Justice Department's Community Relations Service, the Peace and Justice Center and a coalition of community organizations expressed concerns over the lack of gender and ethnic diversity among the ranks of sworn officers.¹²⁶ Larry Shinagawa said the lack of diversity, particularly gender diversity, is an area of concern.¹²⁷ He alleged that for Sonoma County overall, the composition of the entire police force is 8.7 percent minority and 6.9 percent female.¹²⁸ Tanya Brannan added that the number of female sworn officers in the county is extremely low. She told the Advisory Committee:

The national average is about 10 percent and some big city police departments have 30 percent. We have barely 6 percent female, and our sheriff's department

has only 7 sworn female deputies in a department of 228. That in itself would be bad enough, but that same department had seven sex discrimination complaints lodged against it in just the last 2 years. We know the problem is more pervasive.¹²⁹

Sheriff Piccinini said a series of harassment lawsuits has plagued his department. He stated:

As a new sheriff, one of the first issues I concentrated on is the elimination of this cycle of lawsuits. Unlawful harassment cases are not unique to this department. I have spent hours in personnel and personal meetings with our employees to solicit their input on what we as an organization can do to improve the overall work environment of the department. One of my first acts as sheriff was to implement a new unlawful harassment policy that will be an important tool in making our organization an even better place to work.¹³⁰

Brannan said the Santa Rosa Police Department also has some "serious sex discrimination problems."¹³¹ Chief Dunbaugh noted that in the summer of 1998, the entire organization went through professional diversity appreciation and sexual harassment prevention training.¹³² He added:

Our community, according to U.S. census data, is 84.5 percent white. Our police officers in 1998 are 86 percent white. Our community is 1.69 percent black; our police officers are 2 percent black. Our community is 9.47 percent Hispanic; our police officers are 8 percent Hispanic. Our community is 3.2 percent Asian; our police officers are 2 percent Asian. Our community is 1.02 percent Native American; our police officers are 1 percent Native American.¹³³

Dunbaugh told the Advisory Committee that in the Santa Rosa Police Department 10 percent of the sworn ranks are female, adding, "We do not have good gender representation throughout the supervisory and management ranks and that is something that we are focusing on improving."¹³⁴

¹²³ Ibid., p. 102.

¹²⁴ Ibid., p. 31.

¹²⁵ Ibid.

¹²⁶ Ibid., p. 7.

¹²⁷ Ibid., p. 15.

¹²⁸ Ibid., p. 13.

¹²⁹ Ibid., p. 33.

¹³⁰ Ibid., p. 52.

¹³¹ Ibid., p. 33.

¹³² Ibid., p. 56.

¹³³ Ibid., p. 64. The percentages provided for police officers of each ethnic group are for 1998. The census data may be from 1990.

¹³⁴ Ibid., p. 65.

Chief Rooney noted that his department is made up of a diverse group of employees and targets its recruitment program to solicit applicants of diversity.¹³⁵ He said his department has been sending out recruitment teams, which include minorities, to southern California and the Fresno area trying to broaden the pool of applicants and encourage them to come to Sonoma County. "We have put a lot of energy in the last few years into broadening our recruitment base and the applicant pool," he said.¹³⁶ Sheriff Piccinini said all his departments participate in career fairs for youth coming out of high school. The sheriff's department's outreach program, he noted, also goes beyond the county to try to target minority groups to work in Sonoma County.¹³⁷

Penny Harrington, director, National Center for Women in Policing, said that job fairs are great but questioned what will be done with these potential recruits between the ages of 18 and 21. She added:

You have to have a program that you can either hire them or keep them involved with your agency so that when they are old enough to be hired as police officers they will come. It doesn't do a lot of good to go out to a high school, get a bunch of kids all excited about policing and walk away and not talk to them for 3 years.¹³⁸

Jerry Schoenstein, director, basic law enforcement course, Santa Rosa Training Center, said the center shares costs with its law enforcement partners in recruiting women and other underrepresented groups to law enforcement careers.¹³⁹ In the (then) current training class of 25 students, there were 5 Asians, 2 blacks, several Hispanics, 2 females, and the rest were white males, he said.¹⁴⁰

Penny Harrington believes one of the things that is very important for any police agency today is to look at utilizing more women in policing. She said:

Research shows that women do a very good job of policing. They have a tendency to de-escalate violence; they have very good communications skills. They tend to take crimes against women such as domestic violence and sexual assault much more seriously.

Municipal police departments nationally average about 10 percent women, sheriff's offices average about 14 percent, and State police agencies about 5 percent. The numbers are not growing very quickly. The only place that we see large numbers of women in policing are cities that have been under consent decrees. They are still providing good police service. They have not fallen apart from having a larger percentage of women.¹⁴¹

Training

Law enforcement training can be divided into at least two main categories: academy and on-going. In Sonoma basic training is provided by the Santa Rosa Training Center, a regional public safety training center, at Santa Rosa Junior College.¹⁴² According to Jerry Schoenstein, director, basic law enforcement course, the center provides a basic course, continuing professional training, advanced officer training, supervisory training, specialized training such as dispatch, and partners with four local jurisdictions to provide citizens police academies.¹⁴³ The basic course provides 20 weeks of academy training, which Schoenstein believes is a very short period of time.¹⁴⁴

Barbara Londerville told the Advisory Committee that she has seen and experienced the extensive training that a candidate must go through before he or she is considered to be a police officer or even a trainee. She added, "I know of no other job that has an 18-month probation period during which your trainee is under constant supervision by a training officer, his fellow officers, and all of the supervisors. It is a constant thing and the training continues throughout an officer's life."¹⁴⁵

¹³⁵ Ibid., p. 59.

¹³⁶ Ibid., p. 69.

¹³⁷ Ibid.

¹³⁸ Ibid., p. 117.

¹³⁹ Ibid., p. 88.

¹⁴⁰ Ibid., p. 95.

¹⁴¹ Ibid., p. 116. According to Ms. Harrington, the Los Angeles Police Department has about 16-18 percent women, and departments in Detroit, Pittsburgh, and Washington, DC, have about 30 percent.

¹⁴² Ibid., p. 87.

¹⁴³ Ibid. The four jurisdictions are Sonoma County Sheriff's Department, Rohnert Park Department of Public Safety, and police departments in Petaluma and Santa Rosa.

¹⁴⁴ Ibid., p. 93.

¹⁴⁵ Ibid., p. 177.

Judith Volkart said the community believes there are some gross deficiencies in the preparation of officers for their careers, alleging a lack of training in cultural sensitivity and training that promotes responsible practices in dealing with members of the community who are incapacitated due to drugs, alcohol, or mental illness.¹⁴⁶ Councilwoman Pia Jensen also believes training is needed.¹⁴⁷ R.D. Wishard, founder and past president, Julliard Park Neighborhood Watch Association believes that the officers of the Santa Rosa Police Department receive the training that is necessary for them to survive.¹⁴⁸ Most community spokespersons told the Advisory Committee more is needed.

Professor Shinagawa agreed with the need for training in cultural sensitivity, stating, "I think it is very important for us to realize that we are living in a multiracial, multiclass society and that there are an increasing mix of native-born and foreign-born persons in the United States. We need to have the kind of training that will give this attention."¹⁴⁹

Although cultural sensitivity training utilizing specialists within their own ranks or hired from outside the organization is mandatory for most jurisdictions,¹⁵⁰ Professor Shinagawa believes it to be fragmented. Between 1992 and 1994, Shinagawa participated as a training officer for law enforcement focusing on the Asian American community, an experience which led him to the belief that the approach must be broadened. He noted, "That type of training was not as sufficient for the changing realities of Sonoma County. I would have preferred that we have a more holistic, broad-based, and comparative approach [for officers] to deal with diversity."¹⁵¹

In response to the community's concern about increasing the amount of diversity training, Schoenstein said, "As a regional training center we have students from outside this community and county, so bringing in people from the community to address special needs [would be difficult]." He added, "It is a lot simpler to do that in

a program where an academy is run by a police department serving a specific community."¹⁵² The Advisory Committee was interested in the kind of diversity training being provided. Schoenstein noted, "Basically, we are talking about self-awareness." He stated:

We have a fairly diverse group of people that come and we start talking to students about who they are and we do some self-examination, [asking]: "What is your cultural background? What is your heritage? What languages do you speak?" We use that as a baseline to examine our own perceptions about ourselves [and] how we view ourselves differently from other people. Our perceptions of other groups may be different than how they perceive themselves, and that is how we do it as a beginning.¹⁵³

Schoenstein said that of the 50 instructors at the center, 85 percent are white males.¹⁵⁴ The Advisory Committee questions whether the dialogue over perceptions that Schoenstein describes can be meaningful with limited diversity in the instructional ranks.

Basic curriculum also deals with the use of force and firearms proficiency. However, Schoenstein noted:

Much more time in the aggregate is spent on other topics which assist in the development of skills and knowledge which officers need to reduce the hazards which normally occur in the performance of their job. I think it is important to look at the number of hours that are there [referring to the academy curriculum] and recognize that while there are hours devoted to developing proficiency in certain of those skills, the ones that we have other than the uses of deadly force far outweigh the ones where we talk about the use of force.¹⁵⁵

Community spokespersons alleged that the efforts on training for nonuse of deadly force have not been apparent in critical situations. Penny Harrington believes that instances of inappropriate use of force will decrease if the chief or sheriff is sincere and committed. She said:

If it is lipservice, it is not going to work. [The rank and file] will go sit through the training, they will

¹⁴⁶ Ibid., p. 15.

¹⁴⁷ Ibid., p. 150.

¹⁴⁸ Ibid., p. 178.

¹⁴⁹ Ibid., p. 24.

¹⁵⁰ Ibid., p. 26.

¹⁵¹ Ibid., p. 25.

¹⁵² Ibid., p. 94.

¹⁵³ Ibid.

¹⁵⁴ Ibid., p. 112.

¹⁵⁵ Ibid., p. 89.

complain about the training, and they will leave and keep doing what they have been doing.

It is just a matter of training to teach officers how to use various techniques. You get to a scene you have two or three people screaming, carrying on and all that, the first thing you want to do is try to calm everybody down and find out what is going on before you do anything. Yes, I definitely think that can be taught.¹⁵⁶

Chief Rooney said training is one of the highest priorities for Rohnert Park's police, and in 1997 the organization provided 2,072 hours of internal training using experts and 2,009 hours of outside training, taking advantage of the numerous Peace Officer Standards and Training (POST) sponsored courses throughout the State.¹⁵⁷ All three law enforcement executives noted that training is an ongoing process. For example, Chief Dunbaugh said that in the last 4 months all officers in the Santa Rosa organization have gone through training for dealing with situations where the suspect's or victim's mental health may be a factor.¹⁵⁸

Community representatives agreed with the need for basic and ongoing training, but said the focus needs to be altered to decrease what they perceive to be a high level of law enforcement violence, arrogance, and abuse of authority within a police culture that they alleged shows disdain for citizens. Some law enforcement officials believe efforts to increase citizen awareness of the police environment will help foster understanding and have embarked on training to accomplish that goal.

Sheriff Piccinini said that beginning in 1997, the department has hosted a citizens academy as a tool to educate citizens on the complexity of law enforcement and to solicit their ideas and suggestions. "The citizens academy seeks to provide factual information and to dispel television cop show tactics by providing an indepth view of our organization, what it does, how it does it, and why," he said.¹⁵⁹

¹⁵⁶ Ibid., p. 127.

¹⁵⁷ Ibid., p. 59. According to Chief Rooney, POST requires an average of 24 hours of training per police officer, and Rohnert Park provides approximately 120 hours per officer each year.

¹⁵⁸ Ibid., p. 77.

¹⁵⁹ Ibid., p. 50.

The Petaluma Police Department, Rohnert Park Department of Public Safety, and the Santa Rosa Police Department, in partnership with the Santa Rosa Junior College, also sponsor citizens police academies. The Santa Rosa Police Department's citizens academy had 75 graduates through the date of the Advisory Committee's factfinding meeting.¹⁶⁰ Chief Dunbaugh added that there are nearly 30 people in the department's Volunteers in Police Service Program. Jerry Schoenstein, director, basic law enforcement course, Santa Rosa Training Center, told the Advisory Committee that the center partners with these four local law enforcement jurisdictions¹⁶¹ to provide citizens police academies that allow citizens the opportunity to gain insight into the officer's perspective on providing law enforcement services.¹⁶²

Ken Davenport completed the 12-week citizens police academy sponsored by the Santa Rosa Police Department and now volunteers with the department. He told the Advisory Committee:

This academy was open to residents who worked or lived in Santa Rosa, and its purpose was to help citizens obtain a better understanding of how law enforcement works. All classes were taught by officers of the Santa Rosa Police Department, and the program was extremely informative and well accepted by the citizens who participated. Not only did we learn a lot about law enforcement, we were able to get to know some of the men and women of the department. By observing the officers who were instructors, these are professional, competent, dedicated men and women. They work and live in our community. They worship, educate their children in our schools, and they are part of the Sonoma County community.¹⁶³

Earl Herr, M.D., said, "I consider that the police are part of our community; they are professional people for whom I have respect, and we all want to respect our officers, want them to be part of our community."¹⁶⁴

¹⁶⁰ Ibid., p. 54.

¹⁶¹ The four jurisdictions are the Petaluma Police Department, Rohnert Park Department of Public Safety, Santa Rosa Police Department, and the Sonoma County Sheriff's Department. Ibid., p. 87.

¹⁶² Ibid.

¹⁶³ Ibid., p. 145.

¹⁶⁴ Ibid., p. 148.

Elizabeth Anderson, who also attended a citizens academy, said the 15 community organizations and many more individuals who are actively working on police issues are not anti-law enforcement. But she said many community members have come to the conclusion that the current system of review does not work for the public interest.¹⁶⁵

Review Board

When a community creates an entity for oversight of its police department it is usually termed a citizen or civilian review board. Although its creation may be proactive, such an oversight board is normally the result of a community's frustration with aspects of its law enforcement, including a perception that concerns about critical incidents are not being answered. Usually, a community's interest in the creation of a civilian review board is met with resistance from law enforcement executives, command structure, and rank and file who believe they can "police" their own. The Advisory Committee saw such community frustration in Sonoma County and heard citizens' calls for a citizen review board.

Steven Campbell, Sonoma County Homeless Coalition, opined that based on his observations and personal experiences with law enforcement, he has concluded that the Sonoma County police departments are out of control, that their administrators do not have the skill or will to constrain their actions, and that it would serve communities well to initiate a citizen oversight commission with subpoena power.¹⁶⁶ Rabbi Michael Robinson, emeritus, Temple Shomrei Torah, Santa Rosa, said the polarization evidenced at the Advisory Committee's factfinding meeting was an "absolute demonstration of the need for an independent civilian police review board to stand by and support the police, reassure the community that there is true oversight of the police, [enable everyone] to work together on policy, and to improve relationships between the police and the community."¹⁶⁷

Judith Volkart said, "The community push for police reform is local, it is not outside this community. There is a strong, broad-based

movement crossing racial, cultural and socioeconomic lines for police reform; it is not just a few fringe elements and political activists."¹⁶⁸ She continued:

Each individual community [should] come to a decision about the composition of its community civilian review board. We do not envision one civilian review board for the entire county of Sonoma. We have 11 law enforcement jurisdictions, so it is a big job.

The people of Rohnert Park need to sit down and determine what composition they want to have on their civilian review board; the people of Santa Rosa may have a different perspective. The people of the entire county and the unincorporated areas need to make that decision. I think the important thing is that whatever that composition is that it be reflective of the values of the community, that it be law based, independent, and not controlled by law enforcement.¹⁶⁹

Claudia Rickman of Rohnert Park agreed with Volkart's suggestion and said that "there should be an independent review board within every town because currently there is no one to appeal to."¹⁷⁰ Sean Jones thought a citizen review board would be "brilliant."¹⁷¹

Pia Jensen, councilwoman, Cotati, said her experience leads her to believe a civil review committee would be a good idea. She added, "When people come to me complaining about things happening with our police, the only thing I can do is to refer them [and tell them] to lodge a complaint with the police department," which she said, disempowers her and the people.¹⁷² Cathleen Harvey, mayor, city of Healdsburg, wrote, "Sonoma County and particularly the city of Healdsburg are close knit small communities. The Healdsburg Police Department has and will function as a quality organization, serving the citizens of our town, without the need for a citizens review panel."¹⁷³

J. Michael Mullins, district attorney, noted that conceptually he does not oppose a civilian review board and has stated that publicly. However, as a citizen he had some concerns:

¹⁶⁸ Ibid., p. 16.

¹⁶⁹ Ibid., p. 21.

¹⁷⁰ Ibid., p. 188.

¹⁷¹ Ibid., p. 174.

¹⁷² Ibid., p. 150.

¹⁷³ Harvey Letter.

¹⁶⁵ Ibid., p. 6.

¹⁶⁶ Ibid., p. 35.

¹⁶⁷ Ibid., p. 140.

It would depend on the will of the community; it would have to be supported by the community; its mission statement would have to be very clear; it would depend upon who decides who shall be sitting upon it and how they will be selected. I have never been in a jurisdiction where there is one, but it appears in some places it can be extremely divisive.¹⁷⁴

As district attorney, he said, a citizens review board would not change his mandated duty. For example, he said that if a civilian review board cleared a police officer and he disagreed based on the evidence gathered, he would be duty bound to file a criminal charge.¹⁷⁵

In response to the district attorney's concerns and Advisory Committee's questions about the administration, composition, process of appointment, and time constraints imposed on a civilian review board, Volkart said that those decisions have to be made locally by the community to whom law enforcement is accountable.¹⁷⁶

Don Casimere, investigative and appeals officer, Richmond Police Commission, agreed that a considerable amount of discussion must take place before considering what kind of civilian oversight agency will be implemented and cautioned that all involved parties should be invited to the table.¹⁷⁷ He said:

If a community gets to the point that it determines it wants to go forward with some sort of civilian review mechanism, the authority of the mechanism created needs to be very clearly spelled out. It is very important that everybody knows what is to be expected from this civilian review board. It is important that the staffing and budgetary provisions be appropriate for that agency to carry out its mandate.¹⁷⁸

In the course of his professional responsibilities, Casimere has met with civilian oversight practitioners and law enforcement executives throughout the United States and other countries. From these contacts, he has developed a list of characteristics for an effective civilian oversight agency. He shared these with the Advisory Committee:

¹⁷⁴ Transcript, 1998, p. 98.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid., p. 22.

¹⁷⁷ Ibid., p. 109.

¹⁷⁸ Ibid., p. 110.

Whether it is an auditor form or police commission, there needs to be a certain amount of independence, including budgetary independence. One of the biggest mistakes is when a civilian oversight agency's budget is tied directly to the police department and under the control of the police chief.

To whom does the civilian oversight agency report? Or, if there are hired staff, to whom do they report? The principal staff person should report to the mayor and city council, who set the policy and direction for the city and not the police chief nor city manager, who is the police chief's boss.

Office space away from the police department—because it is important to create an atmosphere where citizens can come in and independently file complaints and have it investigated away from the police department. In addition to handling complaints, the agency should be in a position to conduct independent investigations into certain areas of policemen's conduct and not have to wait for somebody to come forward and file a complaint.

The power to compel police officer testimony. In the city of Richmond, the police chief can order all officers in the department to participate in civilian oversight agency investigations, and as a consequence, even though that Commission has subpoena power and the authority to issue subpoenas, it has never had to because it has 100 percent cooperation from witnesses and subject police officers. They are compelled to participate in the process and this is critical.

The authority to review police department policy and make recommendations. There also needs to be some kind of an appeals process whereby another authority can review recommendations rejected by the police chief.¹⁷⁹

John Parker, executive director, San Diego County Police Review Board, noted that Casimere's comments covered the full realm of civilian review.¹⁸⁰ Casimere also believes that citizens can objectively and fairly affect police services. "If you select the right staff to do the work and gather the information and it is done fairly and objectively you can have an impact," he said.¹⁸¹

Penny Harrington agreed that there are all kinds of roles that a citizens oversight group can play, but also cautioned that how they are ap-

¹⁷⁹ Ibid., pp. 111-13.

¹⁸⁰ Ibid., p. 121.

¹⁸¹ Ibid., p. 113.

pointed and how representative they become are important.¹⁸² She suggested that these panels should be able to ensure that complete investigations are being done and should also have some review over what the district attorney is doing,¹⁸³ adding:

What are police afraid of? What is it that we are trying to hide that we want to stonewall the citizenry and not let them look at our reports or look at what we do? Why should police be afraid? If [law enforcement] is doing the right things, the community will support [police agencies].¹⁸⁴

Sonoma County law enforcement officials told the Advisory Committee that they have been discussing the possibility of an oversight agency and/or grand jury review of officer-involved deaths and serious injuries. Chief Dunbaugh said at the time of the Advisory Committee's factfinding meeting, that a review mechanism had not yet been created, but there had been much discussion on the topic and the Chief's Association had established a subcommittee to explore the issue.¹⁸⁵ Sheriff Piccinini added, "The advisory panel is not actually formalized yet because we are in the process of taking the idea back to our respective governments, city managers and individual city councils, the county administrator and board of supervisors to get their input as to how we select members to represent the [various jurisdictions]."¹⁸⁶ He said, "Our ideal goal is be as reflective of all of the good citizens of Sonoma County as possible."¹⁸⁷

Phyllis Carter, mayor, city of Sonoma, wrote:

The Chief's Association believes the county and individual jurisdictions would be well served to use the Sonoma County Grand Jury as a civilian review component and establish a citizen's review advisory committee for the purpose of being an advisory group on issues such as county-wide protocols, training, recruitment, retention and other issues of importance to all of Sonoma County Law Enforcement. That committee is being formulated now.¹⁸⁸

Penny Harrington said the grand jury does not work as a citizens oversight group because it is secret; the citizens cannot go in and hear what is going on. She said outside review is needed.¹⁸⁹

Some community representatives alleged they were skeptical of the Chief's Association's motives. Elizabeth Anderson noted that following two meetings with the community in fall 1997, and 3 days prior to the next scheduled meeting, the community first heard about important law enforcement plans when the Chief's Association announced it was creating a civilian advisory panel that would review the policies and procedures of law enforcement and that it would be selecting the people to be on this panel.¹⁹⁰ The *Press Democrat* of November 5, 1997, reported that "relations between Sonoma County law enforcement officials and a coalition of organizations seeking establishment of a citizen police review commission continued to disintegrate with dueling charges of unilateral actions and bad-faith negotiations."¹⁹¹ Anderson said, "All of the groups involved with these meetings felt completely betrayed. Law enforcement had made unilateral decisions affecting the community without asking at a critical time when community-police relations were already strained."¹⁹² The *Press Democrat* reported that "representatives of the coalition [were] furious [alleging] that law enforcement officials cut them out of the process and made unilateral decisions to establish new procedures for investigating incidents in which citizens are killed or injured by police officers and form a citizen panel for reviewing police policies."¹⁹³

Chief Dunbaugh disagreed, saying, "The idea was discussed at the second meeting coordinated by the Department of Justice and it was thrown out as an idea that [law enforcement executives] were interested in pursuing."¹⁹⁴ The response at that meeting, he alleged, was "you can do whatever you want but that is not what [the community is] here to discuss and we want a civil re-

¹⁸² Ibid., p. 120.

¹⁸³ Ibid.

¹⁸⁴ Ibid., p. 119.

¹⁸⁵ Ibid., p. 69.

¹⁸⁶ Ibid., p. 70.

¹⁸⁷ Ibid.

¹⁸⁸ Carter Letter.

¹⁸⁹ Transcript, 1998, p. 120.

¹⁹⁰ Ibid., p. 7.

¹⁹¹ Bob Klose, "Negotiations unravel in officer-review furor, Both sides hit by criticism," the *Press Democrat*, Nov. 5, 1997 (hereafter cited as *Officer-review furor*).

¹⁹² Transcript, 1998, p. 8.

¹⁹³ *Officer-review furor*.

¹⁹⁴ Transcript, 1998, p. 71.

view board with subpoena power.”¹⁹⁵ Judith Volkart said the community had no opportunity for input into the development of the panel, and at the time of the Advisory Committee’s factfinding meeting had seen nothing in writing.¹⁹⁶

When questioned by the Advisory Committee on the value of independent civilian review boards, Sheriff Piccinini responded that the department had mechanisms in place and viewed their creation as a bureaucratic duplication of services and “something that will be costly when the department is struggling to put more dispatchers in the dispatch center, more officers on the street, and more detention people in the jail.”¹⁹⁷ Chief Rooney also believes that his department has existing processes that can be used and suggested that if there were a review process it must be objective without predetermined findings and nonpartisan participants. “Much depends on how it is formulated, structured, and how the process takes place,” he added.¹⁹⁸

Chief Dunbaugh is not opposed to the concept of civilian review but said the findings, whether popular or not, need to be supported by the community. Investigations need to be completed in a timely fashion, he added. He was also concerned about finding money in the budget for such an oversight agency, adding, “The San Francisco model has a budget of \$1 million, the Berkeley model has a budget of half a million, and my preference would be that we put the money out there for services, but I am open to the concept.”¹⁹⁹ He wrote:

There appear to be three strong reasons not to institute a citizen review board. First, it is expensive to institute another duplicative bureaucratic agency. Second, individual police officers involved in critical incidents currently undergo an extremely thorough and difficult review of every action which they have taken, including the intense scrutiny of civil litigation in many cases. It is unfair to the officers to add another level of scrutiny which only prolongs the trauma to which they and their families are currently exposed. Finally, there appears to be a lack of majority support for such an entity in our community. Other-

wise, the proponents for a civilian review board would avail themselves of the public initiative process.²⁰⁰

Many in the community alleged civilian reviews are necessary because so much of police investigation is conducted without oversight. District Attorney Mullins said he was mindful of the problems in dealing with the release of information and how, “of necessity, we are almost secret with what is going on when we are doing the investigation.”²⁰¹ John Parker, executive officer, San Diego County Citizens Law Enforcement Review Board, said that open hearings are essential. He told the Advisory Committee:

Citizens have a right to know what is going on within their police departments [so] it is essential that the hearings be open and that investigations and results are made public. Civilian review has some goals: professional, humane, policing, fully accountable to the public. It is not a place for people that are antipolice or police apologists. Civilian review is a necessary check and balance for the great deal of power we hand law enforcement. Effective civilian review partnered with response from police management can benefit officers at all levels to enhance training. Significant risk exposure reduction is a result of effective civilian review.²⁰²

Casimere believes civilian review boards are a strategy that can bring police departments and communities closer together. He tells police chiefs:

Don’t be afraid of this. If it looks like there is going to be debate in your community about civilian oversight or accountability mechanisms, don’t line up the troops and prepare to ward off any kind of attack. Don’t look at it as an attack, [but] as an opportunity to improve police services in the community.²⁰³

While suggesting that information be released that shows a fair and open investigation is taking place, Casimere was cognizant of limitations. The Peace Officer’s Bill of Rights ensures that certain information cannot be released, he said, adding:

¹⁹⁵ Ibid.

¹⁹⁶ Ibid., p. 17.

¹⁹⁷ Ibid., p. 74.

¹⁹⁸ Ibid., pp. 74–75.

¹⁹⁹ Ibid., p. 75.

²⁰⁰ Executive Summaries.

²⁰¹ Transcript, 1998, p. 90.

²⁰² Ibid., pp. 122–23.

²⁰³ Ibid., p. 126.

I have never, in all my years [in] civilian oversight, come across a police association or union or sheriff's union that supports civilian oversight. If there is a slip in the media of information that is released that should not be, that is deemed confidential or the identity of an officer is put forth and it should not be because that information is prohibited to be released,

you are going to hear from your association. There are limits that have to be spelled out.²⁰⁴

The Advisory Committee agrees with those at the factfinding meeting who proposed that communitywide, open dialogue is essential to the creation of an effective civilian review board.

²⁰⁴ Ibid., p. 135.

III. Law Enforcement Departments

In addition to the Sonoma County Sheriff's Department, there are nine other local law enforcement jurisdictions in Sonoma County. There are police departments in Cloverdale, Cotati, Healdsburg, Petaluma, Santa Rosa, Sebastopol, Sonoma, and Windsor. The city of Rohnert Park has a Department of Public Safety, a combined police and fire department.

In 1996 the estimated populations in these cities were: 5,475 in Cloverdale; 6,500 in Cotati; 9,575 in Healdsburg; 47,700 in Petaluma; 38,350 in Rohnert Park; 125,700 in Santa Rosa; 7,525 in Sebastopol; 8,750 in Sonoma; 18,750 in Windsor; and 153,100 in the unincorporated areas of the county.¹ By January 1, 1999, the State estimated these populations had grown to: 6,075 in Cloverdale; 6,800 in Cotati; 10,000 in Healdsburg; 51,700 in Petaluma; 40,500 in Rohnert Park; 138,700 in Santa Rosa; 7,900 in Sebastopol; 9,275 in Sonoma; 20,400 in Windsor; and 152,800 in the unincorporated areas.²

Between April 1, 1995, and March 10, 1998, officers from the Santa Rosa Police Department shot and killed five people; deputies from the Sonoma County Sheriff's Department killed three; an officer of the Rohnert Park Department of Public Safety killed one; and an officer of the Petaluma Police Department killed one.³

In addition to the complaints received by individual departments, the Sonoma County Grand Jury reported a total of 86 citizen complaints filed against law enforcement agencies in 1996, including: 15 against the Santa Rosa Police Department (1 sustained); 14 against the Sonoma County Sheriff's Department (4 sustained); 28 against the Rohnert Park Public

Safety Department (8 sustained); 9 against Petaluma (0 sustained); 2 against Healdsburg (1 sustained); 9 against Sebastopol (0 sustained); 7 against Cotati (5 sustained); 1 against Sonoma (0 sustained); and 1 against the Cloverdale Police Department (0 sustained).⁴ Between January 1996 and May 1997, the grand jury received 39 complaints against law enforcement agencies in Sonoma County.⁵

While the number of complaints may indicate a problem, it was the critical incidents resulting in death at the hands of a police officer that prompted citizen concern, protest, and calls for reform. Community organizations met with the Sonoma County Law Enforcement Chiefs Association to initiate dialogue for constructive change.

The police chiefs, county sheriff, commander of the California Highway Patrol, and district attorney are members of the Sonoma County Law Enforcement Chiefs Association, which meets monthly to discuss law enforcement issues, policy matters, and common concerns.⁶ Those community members meeting with association representatives suggested to the Advisory Committee that the dialogue did not achieve community goals.

The Advisory Committee forwarded letters to the individual chiefs and the county sheriff requesting information and data about their departments for the period January 1993 to February 1998.⁷ The time period was modified to

¹ *California Public Sector* (Sacramento, CA: Public Sector Publications, 1996).

² State of California, Department of Finance, *City/County Population Estimates with Annual Percent Change*, Jan. 1, 1998 and 1999.

³ Karen Saari, Supplemental Report for the California Advisory Committee to the U.S. Commission on Civil Rights, Mar. 20, 1998 (hereafter cited as Saari Supplement).

⁴ Sonoma County, Grand Jury, *Final Report, 1996-1997*, July 10, 1997, p. 19 (hereafter cited as Final Report, 1996-1997).

⁵ Final Report, 1996-1997.

⁶ According to the association bylaws, the regular membership "shall consist of . . . Chief of Police of each city; Sheriff; district attorney; Commander, California Highway Patrol; Senior Agent, F.B.I., Santa Rosa Field Office; Chief of Police, Sonoma State University; Chief Probation Officer; Chief of Police, Santa Rosa Junior College; Agent in Charge, Alcoholic Beverage Control."

⁷ U.S. Commission on Civil Rights, California Advisory Committee, letters to: Chief Robert Dalley, Cloverdale Police

July 1997 through December 1997 for arrest data. This chapter provides a summary of the data submitted in response.

Cloverdale

Cloverdale, about 19 miles from Santa Rosa, is the last town in the county as one travels north on Highway 101. It had no homicides in 1995, 1994, 1993, or 1992, one in 1991, three in 1990, and none in 1989 and 1988.⁸ The Advisory Committee did not review the records of this department.

Cotati

Cotati, which straddles Highway 101 just south of the city of Rohnert Park, increased its population by 64 percent in the 1980s.⁹ There was one homicide in 1995 and none in 1994. For the period January 1993 through March 1998, 39 individuals filled the 28 sworn¹⁰ and reserve officer positions in the Cotati Police Department.¹¹ For the 5-year time period, 2 people have held the chief position, both male and white; of the 3 existing sergeants, 2 are white and 1 is Native American; 12 people have held the eight police officer positions (10 whites, 2 Hispanics, 10 males, 2 females, 1 bilingual in Spanish); the existing community services officer is a white female; the records/communication supervisor is

a Native American female; 10 people have held the four dispatcher positions (7 white, 3 Hispanic, 3 males, 7 females, 2 bilingual in Spanish); 2 people have held the one police service aide position, both white females; the existing police reserve captain is a white male; the existing police reserve lieutenant is a Hispanic male; and all 6 reserve police officers are white (5 males, 1 female).¹² The Cotati Police Department has a written affirmative action plan, and no equal employment opportunity complaints have been filed against the department for the period January 1993 through March 1998.

A police advisory commission was established in the mid-1970s to act as a liaison between citizens and the Cotati Police Department. The advisory commission was deactivated in 1995, but the bylaws still remain in the Cotati Municipal Code. The department wrote the Advisory Committee that "the City Council may decide sometime in the future to reactivate the police advisory commission."¹³ But, Pia Jensen, councilwoman wrote, "My initial attempts to have our police consider re-establishing our police advisory board were met with great resistance."¹⁴

The department has a written discipline and citizen complaint policy and provides complaint forms for citizens wanting to file a complaint. According to the policy and procedure manual of the Cotati Police Department:

It is the policy of the Cotati Police Department to encourage citizens to bring to the attention of the department complaints about the conduct of its members. Whenever a citizen believes that a law enforcement act is improper and wishes to make a complaint, that complaint will be received courteously by on duty employees of the department.¹⁵

The Advisory Committee's review of the policies of the other law enforcement jurisdictions found similar statements regarding citizen complaint procedures.

When a complaint is lodged against a Cotati police officer, the responsible command officer can deem the complaint unfounded, exonerated,

Department, Feb. 12, 1998; Chief Robert Stewart, Cotati Police Department, Feb. 12, 1998; Chief Rick Alves, Healdsburg Police Department, Feb. 12, 1998; Chief Patrick Parks, Petaluma Police Department, Feb. 12, 1998; Chief Pat Rooney, Rohnert Park Department of Public Safety, Feb. 12, 1998; Chief Michael Dunbaugh, Santa Rosa Police Department; Chief Dwight Crandall, Sebastopol Police Department, Feb. 12, 1998; Chief John P. Gurney, City of Sonoma Police Department, Feb. 12, 1998; and Sheriff Jim Piccinini, Sonoma County Sheriff's Department.

⁸ Don McCormack, editor, *McCormack's Guides for Newcomers and Families, Marin, Napa & Sonoma, '97* (Martinez, CA: McCormack's Guides, Inc., 1997) (hereafter cited as McCormack Guide).

⁹ McCormack Guide.

¹⁰ Sworn law enforcement employees are those who possess peace officer powers and primarily engage in line policing functions. The other major category of police department employees is nonsworn.

¹¹ Cotati Police Department, Response to Information Requested by the California Advisory Committee to the U.S. Commission on Civil Rights, 1998 (hereafter cited as Cotati Response). The department's written response was prepared by Robert W. Stewart, chief; Paul S. DePaoli, sergeant; H. Wallace Petersen, sergeant; and Helen Miller-O'Brien, records supervisor.

¹² Cotati Response.

¹³ Ibid.

¹⁴ Pia C. Jensen, councilwoman, city of Cotati, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Feb. 20, 1998.

¹⁵ Cotati Police Department, Policy and Procedure Manual.

not sustained, sustained, or conclude no finding.¹⁶ For the period January 1993 through December 9, 1997, a total of 21 individual complaints, some with multiple allegations, were investigated by the department's Internal Affairs Unit.¹⁷ Among the 31 allegations within the 21 complaints were: 10 for unprofessional conduct; 3 unlawful use of force; 3 hostile work environment; 2 unlawful detention; and 1 each of false arrest, disturbing the peace, failure to investigate domestic violence, violation of civil rights, violation of department policy, and public intoxication while off duty.

The findings by year were: 1993, three were unfounded, one exonerated, one sustained; in 1994, two were not sustained; 1995, one was unfounded, one exonerated, one not sustained, one turned over to an attorney for the city and the employee is no longer with the department; 1996, two were unfounded, one not sustained (employee resigned), six sustained (one employee resigned); and in 1997, two were unfounded, six sustained, and one investigation was in progress at the time of the Advisory Committee's inquiries.¹⁸ The overall findings for the period resulted in one suspension, two counseled, seven written reprimands, two disciplinary actions pending, one investigation in progress, and three no longer employed.¹⁹

At times, individuals allege that police officers harass members of the community and charge them with resisting arrest when they attempt to assert their rights. Although the Advisory Committee did not hear such a complaint leveled at the Cotati department, it requested

data from all the departments that would assist in determining the extent of such arrests. During the period July 1997 through February 1998, the Cotati Police Department recorded 14 arrests for resisting arrest, providing false information to a peace officer, and/or battery on a peace officer. Twelve of the reports resulted in charges being brought against the suspects, 1 case was rejected, and the disposition of the remaining case was reported as unknown. During the 5-year period, the department reported no accidental discharges of weapons by officers of the Cotati police force.

Healdsburg

Healdsburg is located north of Santa Rosa and just east of Highway 101. There were no homicides in 1995, one in 1994, and none in 1993, 1992, or 1991.²⁰ Mayor Harvey wrote:

Although Healdsburg is a nice, small, quiet community, we have had our share of violence. [The] homicide in 1994 was actually a body dumped in our hospital parking lot. There is strong evidence to suggest that this person was shot outside of our city. Prior to that, our most recent homicide was in the late 1980's [when] a patron was stabbed in a local bar. Neither of these involved struggles with officers.²¹

Because of its location on the Russian River and the surrounding wine valley regions, Healdsburg offers a wide variety of recreation and scenic and historic attractions.²² According to Chief Rick Alves, Healdsburg Police Department, the sheriff is the ranking law enforcement officer in the county, and the Healdsburg Police Department has jurisdiction within the city limits and responds when requested to assist other law enforcement agencies in their jurisdictions.

The Healdsburg Police Department has a chief, 1 detective, 4 sergeants, 10 officers, and 5 reserve officers, an administrative secretary, a technical services manager, a youth services

¹⁶ Definitions of these terms were provided. *Unfounded*: the investigation conclusively proved that the act or acts complained of did not occur. *Exonerated*: the acts that provided the basis for the complaint or allegation occurred, however, investigation revealed that they were justified, lawful, and proper. *Not Sustained*: the investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such allegation. *Sustained*: the investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint. *No Finding*: the complainant failed to disclose promised information to further the investigation. The investigation revealed that another agency was involved and the complaint or complainant has been referred to that agency. The complainant wishes to withdraw the complaint. The complainant is no longer available for clarification(s). *Ibid*.

¹⁷ *Ibid*.

¹⁸ *Ibid*.

¹⁹ *Ibid*.

²⁰ McCormack Guide.

²¹ Cathleen N. Harvey, mayor, city of Healdsburg, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Mar. 12, 1998 (hereafter cited as Harvey Letter).

²² Rick Alves, chief of police, Healdsburg Police Department, Response to Questions Posed by the California Advisory Committee to the U.S. Commission on Civil Rights, Apr. 17, 1998, written material (hereafter cited as Healdsburg Response).

person, 5 dispatchers, 1 reserve dispatcher, 1 community service officer, 1 reserve community service officer, and 6 explorer scouts. The department's 31 sworn and nonsworn personnel include: 22 males (71 percent); 9 females (29 percent); 26 whites (84 percent); 4 Hispanics (13 percent); 1 American Indian (3 percent); and 3 employees bilingual in Spanish.²³ The 21 sworn personnel include: 17 white males, 2 Hispanic males, 1 American Indian male, and 1 white female. The 10 nonsworn employees include: 6 white females, 2 Hispanic females (both bilingual in Spanish), and 2 white males.²⁴ No underutilization analyses/reports were undertaken, requested, or deemed necessary by the department during the period reviewed by the Advisory Committee.²⁵ The department recruited for one police officer per year for the years 1993–1996.²⁶

For training, the department provides the *Peace Officer Standards and Training Manual* (POST); its own manual; a field training manual; and a written, comprehensive inservice training guide. There are policies within the department's training manuals on special needs areas, such as domestic violence, complaints involving mentally ill suspects, language minorities, and possible gang activity.²⁷

The city council passed a resolution on December 15, 1975, establishing an affirmative action program²⁸ and designated the city manager as affirmative action coordinator.²⁹ The council also adopted a policy against discrimination and harassment in the workplace.³⁰ The department has received one complaint alleging that it discriminated against a prior employee based on disability,³¹ and it remained unresolved at the time of the Advisory Committee's factfinding meeting. Through April 17, 1998, no employee grievances had been filed against the department.

²³ Ibid. April 1998 data were provided by the Healdsburg Police Department.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ City of Healdsburg, City Council, Resolution 91-75, Dec. 15, 1975. In Healdsburg Response.

²⁹ City of Healdsburg, City Council, Resolution 33-75, Apr. 7, 1975. Ibid.

³⁰ City of Healdsburg, City Council, Resolution 31-97, Apr. 7, 1997. Ibid.

³¹ Healdsburg Response.

The Healdsburg Police Department has a citizen complaint procedure pamphlet that provides information in both English and Spanish and includes a preaddressed form that may be submitted by mail.³² Mayor Harvey wrote, "The citizens of Healdsburg have every opportunity to provide input, observations and criticisms for our police department."³³ For the period 1993–1998, 17 complaints were filed with the department: 6 alleging harassment, 3 unlawful arrest, 3 civil rights violations, 1 stalking, 1 rude behavior, 1 procedure, 1 damaged property, and 1 assault with a deadly weapon (ADW). None was sustained (two were withdrawn).³⁴ The time between the filing of the complaint and its disposition varied from 2 to 50 weeks, and the average disposition of all complaints was 12.5 weeks. All citizens were notified of the disposition of their complaints by letter. There were no complaints during calendar year 1996 and none reported between January 1 and April 17, 1998.³⁵ While no officers were disciplined for conduct related to the Advisory Committee's inquiry, there were discipline actions during the reporting period, but these were not specified.³⁶

For the period July 1 through December 28, 1997, the Healdsburg Police Department reported 60 arrests for drunk in public, 4 arrests for obstructing a police officer, and 2 for resisting arrest.³⁷ Twenty percent (12) of the arrests for drunk in public were made by one officer. Of the arrests for obstructing a police officer and resisting arrest, one was dismissed, one held in abeyance, one parole violation hold, and one disposition unknown.³⁸ No accidental discharge of weapons by a Healdsburg police officer was reported for the period under review. Mayor Harvey wrote:

³² Healdsburg Police Department, *Citizen Complaint Procedure*, pamphlet, July 1994. In Healdsburg Response.

³³ Harvey Letter.

³⁴ Healdsburg Response.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Healdsburg Police Department, *Chief's Offense Inquiry, Selection by Department Classification for the period July 1–Dec. 31, 1997, Apr. 6, 1998.*

³⁸ Healdsburg Response. Western Regional Office staff reviewed the individual department complaint review forms and adult arrest reports submitted with the response.

Our officers do share in some of our county's traumatic events. In the last two years, we had an officer wrestle for his life when a Pelican Bay parolee struggled for the officer's gun. Two shots were discharged. Fortunately, no one was struck and the suspect was taken into custody. That was the first time since the late 1970's that a Healdsburg Police Officer fired a gun while on duty.

Another incident [in 1997] involved a situation when less than lethal force (a beanbag from a shotgun) was used in a traumatic incident where officers faced with an unstable knife wielding suspect which placed the officers in jeopardy. It is commendable that our officer training provides them with this alternative to lethal force and that when presented with this situation they took the opportunity to use it.³⁹

The Advisory Committee notes that during its factfinding meeting community representatives had suggested that such alternatives to deadly force be considered and used by law enforcement. The Healdsburg department should be supported for its use of an option that saved both the suspect and the officers.

Petaluma

Petaluma is the second largest city in Sonoma County and is located near the county's southern border. There was one homicide in 1995, two in 1994, two in 1993, none in 1992, one in 1991, none in 1990 or 1989, and one in 1988.⁴⁰

As of February 25, 1998, the Petaluma Police Department had 90 filled positions and 4 vacancies (1 administrative services captain position, 3 patrol officers).⁴¹ The sworn positions included: the chief, 1 captain, 3 lieutenants, and 46 police officers (2 percent Asian, 11 percent Hispanic, 87 percent white). Only 3 of the police officers were female, while all 13 of the public safety dispatchers in the communications section were female.⁴² Five of the department's employees are Spanish speaking, including four patrol officers. The six community service officers are all white (five females, one male).

³⁹ Harvey Letter.

⁴⁰ McCormack Guide.

⁴¹ Patrick T. Parks, chief of police, Petaluma Police Department, Response to Questions Posed by the California Advisory Committee to the U.S. Commission on Civil Rights, Apr. 15, 1998, written material (hereafter cited as Petaluma Response).

⁴² Petaluma Response.

The department phased out its sworn reserve police officer program in 1996 and does not intend to use that program in the future.⁴³ It currently operates, however, a Reserve Community Service Officer Program consisting of 15 community volunteers who serve without compensation. Of the 15, 10 are male (66 percent) and 5 are female (33 percent); 14 are white (93 percent) and 1 is Hispanic (6 percent); none is multilingual.⁴⁴

The city of Petaluma has an affirmative action plan, and the city council has passed annual resolutions with goals.⁴⁵ The department has a procedure in place to handle equal employment opportunity concerns. In the 5-year period 1993-1997, three formal and informal complaints were filed against the department. In two of the cases the complainants were issued right to sue letters from the U.S. Equal Employment Opportunity Commission, and in the remaining case the department was working with the employee to deal with an alleged lack of accommodation and insensitivity in the work environment.⁴⁶ At the time of the Advisory Committee's inquiry, the Petaluma police administration was aware of several employee grievances involving labor contract issues and these have been resolved.⁴⁷

The police department in 1993 issued a policy to streamline and increase the efficiency of the recruitment, application, testing, and background processes coordinated through the administration sergeant.⁴⁸ Employment training is outlined in the department's *General Orders/Policy Memorandum Manual* and *Field Training Manual*.⁴⁹

According to Chief Patrick T. Parks, the Petaluma Police Department maintains compliance with the continuing professional training requirements of POST. He wrote:

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid. See, e.g., City Council, City of Petaluma, Resolutions 93-226; 94-264; 95-241; 96-260; and 97-194.

⁴⁶ Michael Acorn, personnel director, city of Petaluma, EEOC Complaints, memorandum to Petaluma Police Department, Mar. 4, 1998.

⁴⁷ Petaluma Response.

⁴⁸ Ibid. The Petaluma Response includes a memorandum from Dennis DeWitt, chief of police, Petaluma Police Department, Policy Memorandum 93-5, Apr. 28, 1993. Chief DeWitt is no longer with the Petaluma Police Department.

⁴⁹ Ibid.

The Petaluma Police Department meets [the advanced officer course] by enrolling all sworn personnel in POST certified courses that meet or exceed the number of hours required. The Petaluma Police Department hosts/sponsors POST approved training in addition to sending officers to multiple locations throughout the State of California to receive continuing training.⁵⁰

The department's policy memorandum 91-1 details a "continuous, updated in-service training program" which "all supervisors will provide" on child abuse, domestic violence, code 3 vehicle operations, sexual harassment, vehicle pursuits, and use of force, during each shift rotation.⁵¹ In September 1997, the entire department, including sworn officers, dispatchers, records technicians, and community service officers, attended a 16-hour course on domestic violence investigations taught by the Sonoma County Sheriff's Department and subject matter experts from other departments and community organizations.⁵²

The department has a general order regarding its internal investigations procedure⁵³ and provides citizen commendation and complaint procedure pamphlets in both English and Spanish which may be filled out and mailed to the department.⁵⁴ For the period March 6, 1993, through February 11, 1998, the department received 27 separate complaints, some with multiple allegations, for a total of 39. Of these 39, 10 alleged excessive force, 9 conduct unbecoming, 3 racism/harassment, 2 harassment, and 1 alleged refusal to enforce a restraining order. Three complaints were sustained, 1 counseled, 2 not substantiated, 5 unfounded, 8 not sustained, and 16 exonerated.⁵⁵ The department notified 18 complainants by letter, 2 in person and letter; 2 complainants were not contacted; and 5 methods of notification were unknown.⁵⁶ Six officers were

⁵⁰ Ibid.

⁵¹ Ibid. The Petaluma Response includes a memorandum from Dennis DeWitt, chief of police, Petaluma Police Department, Policy Memorandum 91-1, Jan. 14, 1991 (rev. Mar. 6, 1991).

⁵² Ibid.

⁵³ Ibid. Petaluma Police Department, General Order 88-4, Internal Investigations Procedure, June 10, 1988 (rev. Nov. 1, 1997).

⁵⁴ Ibid. Petaluma Police Department, *Citizen Commendation and Complaint Procedure*, pamphlet. There is space for the complaint to be written and the pamphlet is preaddressed.

⁵⁵ Ibid.

⁵⁶ Ibid.

disciplined for conduct-related matters in 1997, with four receiving written reprimands and two suspended for a total of 60 hours.⁵⁷

For the period July through December 1997, the department arrested 159 individuals for disorderly conduct, drunk in public. In 99 of those cases, reports were filed by the district attorney; in 44 of those cases, the arrestee was held for detoxification and then released by the officer; 2 cases were rejected by the district attorney; 13 were referred to juvenile probation; and 1 arrestee was transported to a detoxification center. For the same time period, 27 individuals were arrested for resisting or obstructing an officer. In those, the district attorney filed reports in 19 cases, 4 cases were rejected by the district attorney, 3 were referred to juvenile probation, and there was no filing in 1 case because the suspect was unknown.⁵⁸

Between 1993 and 1997, three officers of the department have been involved in separate incidents of an accidental discharge of a weapon, none of whom were involved in more than one instance. In one case, there was an injury to the officer involved and in another case, disciplinary action was taken.⁵⁹ The city of Petaluma offers an employee assistance program, and the police department has a general order providing a peer counseling program.⁶⁰

Rohnert Park

Rohnert Park, located between Petaluma and Santa Rosa, is the home of California State University, Sonoma, commonly referred to as Sonoma State. Although the campus has a separate police force, the Advisory Committee did not seek any information from that department. The city had no homicides in 1995 or 1994, one in 1993, and none in the prior 8 years.⁶¹ Rohnert Park's Department of Public Safety oversees police and fire fighting functions.

Rohnert Park reported 60 sworn public safety officers and line command as of March 11, 1998, including: 56 males (93.3 percent); 4 females (6.6 percent); 50 whites (83.3 percent); 1 black (1.6

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid. The Petaluma Response includes Petaluma Police Department General Order 92-7, Peer Counseling Program, Aug. 20, 1992.

⁶¹ McCormack Guide.

percent); 3 Hispanics (5 percent); 5 Asian/Pacific Islanders (8.3 percent); and 1 Native American/Alaska Native (1.6 percent).⁶² Only one public safety officer was bilingual in Spanish. The department also reported 22 full-time positions and 2 half-time positions as nonsworn staff including: 4 community service officers (1 white male, 1 Hispanic male, 2 white females); 1 white male evidence and property specialist; 3 white female secretaries; 1 white female records supervisor; 10 dispatchers (7 white females, 1 Hispanic female, 2 white males); 3 white female office assistants; 1 white female evidence technician/property specialist; 1 Hispanic female public safety clerk; and 4 youth and family services staff (1 white male, 3 white females).⁶³

The city of Rohnert Park does not have a formal affirmative action plan. On May 12, 1992, the city council unanimously passed a resolution reaffirming the city's commitment to equal employment opportunity.⁶⁴ The city council has also passed resolutions establishing policies against discrimination based on disability and against harassment in the workplace. There has been one equal employment opportunity complaint filed by a job applicant alleging discrimination based upon perceived disability and the city responded with a motion to dismiss, and one grievance filed that did not meet the definition of a grievance and was referred to the appropriate government agency.⁶⁵

The department provides, on average, 450 hours of in-house training annually, and each

public safety officer receives approximately 120 hours of police-related in-house training each year.⁶⁶ Although POST requires ongoing training and 24 hours of advanced officer training biannually for a myriad of topics, the Rohnert Park department exceeds the recommendations in most categories. The department provides 2–4 hours of biannual training in domestic violence, 12 hours annually in use of force, 1 hour annually in sexual harassment, 12 hours annually in firearms qualification, 4 hours in cultural diversity, 2 hours in critical incident scene management, 6 hours in verbal judo, and 12 hours in critical incident stress management.⁶⁷ Nonsworn personnel classified as dispatchers and community services officers receive 24–32 hours of ongoing inservice training annually. According to the department's response, domestic violence is one of the department's "threshold policies" and must be reviewed on a regular basis during shift briefings.⁶⁸

The department has a citizen commendation and complaint procedure pamphlet in both English and Spanish with a blank form and information on how to complete it,⁶⁹ and a written "policy for prompt and efficient investigation of complaints involving employees of the Public Safety Department."⁷⁰ Five categories of complaints are outlined in the policy: misconduct, procedure, informal, policy, and criminal misconduct.⁷¹ Table 1 provides a breakdown of the citizen complaints against public safety officers for the period 1993–1997.

⁶² Patrick E. Rooney, director, Rohnert Park Department of Public Safety, Response to Questions Asked by the California Advisory Committee to the U.S. Commission on Civil Rights, February 1998, written material (hereafter cited as Rohnert Park Response). The list of sworn officers was prepared by Pamela Robbins, personnel manager, city of Rohnert Park (hereafter cited as Robbins Memo). Additional material for the department's written response was prepared by Theresa Smith, personnel assistant, city of Rohnert Park.

⁶³ Robbins Memo. Although nonsworn staff was reported to be 24 positions, 28 were listed in the category breakdown provided.

⁶⁴ City Council, City of Rohnert Park, A Resolution of the Council of the City of Rohnert Park Reaffirming the City's Commitment to Equal Employment Opportunity, No. 92-78, May 12, 1992.

⁶⁵ Rohnert Park Response.

⁶⁶ Ibid. Sgt. Rosengren provided information regarding training.

⁶⁷ Ibid. The department noted that beyond the initial academy requirements for fire training there is no ongoing mandated training from the State fire marshal's office. However, Rohnert Park provides an in-house basic fire academy that has varied from 40 to 120 hours.

⁶⁸ Ibid.

⁶⁹ City of Rohnert Park, Department of Public Safety, *Citizen Commendation and Complaint Procedure*, pamphlet. The pamphlet is preaddressed to the director of public safety and requires postage.

⁷⁰ City of Rohnert Park, Department of Public Safety, General Order Admin-5, Internal Investigation Policy, Feb. 14, 1997, p. 1 (hereafter cited as Internal Investigation Policy).

⁷¹ Internal Investigation Policy, pp. 4–5.

Table 1
Rohnert Park Department of Public Safety, Citizen Complaints Against Police Officers, 1993–97

Year	Type	Total reported	Unfounded	Sustained
1993	Noncriminal	5	5	0
	Criminal (misconduct)	2	2	0
1994	Noncriminal	1	1	0
1995	Criminal (misconduct)	2	2	0
1996	Noncriminal	17 (1 pending)	12	4
1997	Noncriminal	8 (1 pending)	7	0
	Criminal (felony)	1 (pending)	0	0
	Criminal (misconduct)	1	1	0

SOURCE: Rohnert Park Department of Public Safety, 1998.

There were 17 noncriminal complaints in 1996 and 8 in 1997. The four sustained complaints in 1996 resulted in counseling for the officers. According to the department, about one-third of the complaints investigated are internally generated, and these account for nearly all of the serious discipline resulting in suspension, demotion, and termination. For example, in 1995 one investigation resulted in the suspension of one officer and the demotion of another.⁷² The number of days needed to resolve the complaints ranged from 1 day (three cases) to 255 days (one case).⁷³ There are no records of the number of days it took to process citizen complaints before January 1996 due to a change in the department's filing system.⁷⁴ The department has a written policy to identify troubled or at-risk officers.⁷⁵

During the period July through December 1997, there were 54 reports written for disorderly conduct and resisting arrest. Of this figure, 47 had charges filed against the individual arrested.⁷⁶ However, no information was provided

that would assist the Advisory Committee in determining the final disposition of the charges, and as a consequence, we could not ascertain whether charges were ultimately sustained, dismissed, or settled in some other fashion.

Between 1993 and 1998, there were two separate cases of accidental discharge of a firearm by an officer. Both officers received disciplinary action.⁷⁷ The use of deadly force on the early morning of April 29, 1997, by an officer of the Rohnert Park Department of Public Safety was the catalyst for the Advisory Committee's inquiries into law enforcement practices in Sonoma County. At the time in the county, it was the last officer-involved shooting in a 25-month period resulting in deaths of eight citizens and findings of justifiable homicide by the district attorney that galvanized community outrage and protest.

Santa Rosa

Santa Rosa, the county seat and largest city in the county added about 30,000 people to its

⁷² Rohnert Park Response.

⁷³ D.M. Utecht, public service officer, city of Rohnert Park, Department of Public Safety, Citizen Complaints Against Police, 1992–1997, memorandum to Commander Williams, Mar. 13, 1998. In Rohnert Park Response.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid. In 1997 an officer was involved in the apprehension of a wanted felon suspected of being armed. While exiting his vehicle, the officer's firearm discharged into the air. No injury resulted from the discharge, and the officer received disciplinary action and remedial training. In 1998 an officer was going to clean his firearm in the armory when it discharged within the building. No injury resulted from the discharge and the officer received disciplinary action.

population in the 1980s.⁷⁸ San Francisco is approximately 50 miles south and within a 1-hour commute. The city had four homicides in 1995, five in 1994, seven in 1993, two in 1992, six in 1991, one in 1990, five in 1989, five in 1988, and two in 1987.⁷⁹ Between April 1, 1995, and March 10, 1998, officers of the Santa Rosa Police Department have shot and killed five individuals.⁸⁰ Santa Rosa has experienced 7 officer-involved shootings in the years 1993–1997, and in the period 1987–1992 there were 11 such incidents.⁸¹ Chief Dunbaugh wrote, “It is clear that the numbers of these incidents have actually decreased.” He added:

Furthermore, on March 31, 1991, the newspaper *Press Democrat* actually researched this issue and compared Santa Rosa to eight police departments that serve populations near the size of Santa Rosa which demonstrated that the guns of Santa Rosa police officers are fired, either accidentally or purposefully, during an arrest about twice a year, an average generally in line with that of comparable California cities.⁸²

The Advisory Committee notes the date of the *Press Democrat*'s research preceded by 2 years the seven officer-involved shootings in the period 1993–1997. The Advisory Committee also agrees with Chief Dunbaugh's statement at the fact-finding forum in regard to officer-involved shootings that “one is too many.” Dunbaugh wrote in December 1998, “Time has passed since you visited our community and circumstances have changed considerably,” [for example,] “the Department has introduced less than lethal weapons (ammunition consists of bean bags and plastic projectiles) in the field for officer use as an option to deadly force when circumstances permit.”⁸³ In August 1999, the Santa Rosa Police

Department received the Dr. James Q. Wilson Award for excellence in community policing,⁸⁴ and was notified that it was 1 of 10 finalists for the 1999 Community Policing Award.⁸⁵

The Santa Rosa Police Department's mission statement outlines its purpose and values:

The Santa Rosa Police Department is dedicated to working in partnership with the community in the protection of life and property. We will strive to improve the quality of life and feeling of safety among our citizens. We are committed to a creative process which develops mutual respect and pride in ourselves and the community. To this end, we value: providing quality service; encouraging accessibility, open communication and participation in decision-making; developing an environment of mutual trust, fairness, sensitivity and dignity; promoting confidence in individual capabilities and cooperation; adapting to changing circumstances.⁸⁶

The Santa Rosa Police Department has a work force of 154 males and 77 females for all job categories, including: 1 official/administrator (a white male); 6 professionals (1 white male, 1 Hispanic male, 4 white females); 34 technicians (8 white males, 1 Hispanic male, 1 American Indian/Alaska Native male, 21 white females, 2 Hispanic females, 1 Asian/Pacific Islander); 146 police protective services officials (5 black males, 120 white males, 10 Hispanic males, 1 American Indian/Alaska Native male, 8 white females, 1 Hispanic female, 1 Asian/Pacific Islander female); 31 paraprofessionals (1 black male, 3 white males, 26 white females, 1 American Indian/Alaska Native female); and 13 office clerical workers (1 white male, 11 white females, 1 American Indian/Alaska Native female).⁸⁷ The

⁷⁸ McCormack Guide.

⁷⁹ *Ibid.*

⁸⁰ Saari Supplement.

⁸¹ Michael A. Dunbaugh, chief of police, Santa Rosa Police Department; Michael J. Lambert, commander; Gary L. Negri, sergeant; Debra L. Houser, administrative technician; and Fran F. Elm, human resources analyst, *Executive Summaries for the Record with Attachments*, February 1998 (hereafter cited as *Executive Summaries*).

⁸² *Executive Summaries*, p. 7.

⁸³ Michael A. Dunbaugh, chief of police, Santa Rosa Police Department, letter with Supplemental Report to Philip Montez, regional director, Western Regional Office, U.S.

Commission on Civil Rights, Dec. 22, 1998 (hereafter cited as December 1998 Supplemental Report).

⁸⁴ Michael A. Dunbaugh, chief of police, Santa Rosa Police Department, International Chiefs of Police 1999 Community Policing Award, memorandum to all employees, Aug. 24, 1999.

⁸⁵ Gary Kempker, chairman, Community Policing Committee, International Association of Chiefs of Police, letter to Chief Michael Dunbaugh, Santa Rosa Police Department, Aug. 20, 1999. “Ten finalists and 5 winners were selected from close to 200 entries worldwide to receive recognition for outstanding community policing initiatives.”

⁸⁶ *Executive Summaries*, tab B, p. 1.

⁸⁷ Michael A. Dunbaugh, chief of police, Santa Rosa Police Department, Response to Request for Information from the California Advisory Committee to the U.S. Commission on

department does not operate a police reserve program, however, it has created a Volunteers in Police Service program for those graduates of the citizens police academy.⁸⁸ In December 1998 there were approximately 50 volunteers in the program.⁸⁹ See tables 2 and 3 for a breakdown of sworn and civilian personnel in the Santa Rosa Police Department.

The city of Santa Rosa adopted an equal employment opportunity policy on August 12, 1997,⁹⁰ and the police department has an affirmative action plan. For the period 1993 to April 1998, the department had no formal equal employment opportunity complaints and only three informal complaints.⁹¹ The police department has conducted underutilization analyses, and its comparison statistics indicate underutilization of ethnic minorities and women in the police protective services category.⁹² This fact was acknowledged by Chief Dunbaugh at the factfinding meeting and he also wrote that the department goal is to increase ethnic minority and female representation in the Santa Rosa Police Department's patrol force.⁹³ The chief wrote that since the Advisory Committee's factfinding meeting, the "department has made strong efforts to recruit minority and women personnel and will continue these efforts, including pursuing new and innovative methods and areas of recruiting."⁹⁴

The city council adopted an antiharassment policy in July 1991 (modified in 1992),⁹⁵ and a

Civil Rights, Apr. 14, 1998 (hereafter cited as Santa Rosa Response).

⁸⁸ Sharon Wright, mayor, city of Santa Rosa, letter with Supplemental Report to the California Advisory Committee, Dec. 9, 1998 (hereafter cited as Wright Letter).

⁸⁹ Wright Letter.

⁹⁰ City of Santa Rosa, Council Resolution No. 23224, Resolution of the Council of the City of Santa Rosa Amending Council Policy 700-01, Equal Employment Opportunity, Aug. 12, 1997.

⁹¹ Executive Summaries. All three were sustained with reprimands issued.

⁹² *Ibid.* According to the department, "the sole purpose of the analysis is to compare the Police Department's workforce with estimates of the relevant labor force. It is not designed to identify the presence or absence of discrimination nor is it intended for the use in establishing hiring quotas."

⁹³ *Ibid.*, book 1, tab 3, p. 7.

⁹⁴ December 1998 Supplemental Report.

⁹⁵ City of Santa Rosa, Council Policy, Anti-Harassment, Resolution 20424, July 1, 1991 (modified by Resolution 20686, Feb. 18, 1992).

policy memorandum was distributed to all city employees by the city manager in 1993.⁹⁶ The police chief distributed a general order on anti-harassment in June 1992.⁹⁷

The police officer classification requirements are written and available for applicants. Minimum qualifications for a police officer include: 21 years of age, high school diploma or GED equivalency, possess a valid California driver's license, show proof of birthplace, be a citizen of the United States or a permanent resident alien who has applied for citizenship, verification of eligibility to work in the United States, no felony convictions, and provide evidence of successful completion of a POST approved basic law enforcement academy.⁹⁸

The department wrote that the selection process involves four parts which may lead to an offer: (1) application process with a basic application, supplemental questionnaire, department of motor vehicle history, and POST reading and writing examination; (2) testing to evaluate interpersonal and communication skills and judgment, including a confidential questionnaire, written exercise, spelling recognition test, and a video test that requires the candidate to respond to eight scenarios on a television monitor; (3) appraisal interview; and (4) a background investigation, including a police record check, driving record check, personal history statement, polygraph examination, interview with the chief of police, and psychological and medical examinations.⁹⁹ If successful, the candidate is hired into a temporary nonsworn position while enrolled in the 20-week law enforcement program at the police academy. Graduation from the academy is followed by a 18-week field training program, outlined in an administrative general order,¹⁰⁰

⁹⁶ Kenneth R. Blackman, city manager, city of Santa Rosa, Anti-Harassment Policy, memorandum, Aug. 23, 1993.

⁹⁷ Salvatore V. Rosano, chief of police, Santa Rosa Police Department, General Order 92-12, Anti-Harassment, June 16, 1992. The order is cross-referenced for harassment due to age, marital status, mental condition, physical handicap, racial and national origin, and sexual orientation. Mr. Rosano is no longer the police chief.

⁹⁸ *Ibid.*, book 1, tab 5, Police Officer Minimum Qualifications.

⁹⁹ *Ibid.*, book 1, tab 5, Police Officer Selection Process, pp. 1-5.

¹⁰⁰ Salvatore V. Rosano, chief of police, Santa Rosa Police Department, Field Training Program, General Order 95-05, Jan. 27, 1995 (superseded General Order 94-41, Nov. 17, 1994). Mr. Rosano is no longer the chief of police. Michael A. Dunbaugh, present chief of police, has prepared an extensive administrative and resource manual for the Field Training Program.

Table 2
Santa Rosa Police Department, 5-year Gender/Ethnicity Composition, Sworn Personnel

	1993	1994	1995	1996	1997	1998
Male						
White	88	92	98	99	99	103
Black	3	3	3	3	4	3
Hispanic	9	8	8	8	9	9
Asian	0	1	0	0	1	2
Native American	2	2	2	2	1	1
Female						
White	7	6	8	7	9	10
Black	0	0	0	0	0	0
Hispanic	0	0	0	0	1	2
Asian	1	1	1	1	1	1
Native American	0	0	0	0	0	0
<i>Total</i>	110	113	120	120	125	131

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

Table 3
Santa Rosa Police Department, 5-year Gender/Ethnicity Composition, Civilian Personnel

	1993	1994	1995	1996	1997	1998
Male						
White	12	12	13	13	12	8
Black	1	1	1	1	1	1
Hispanic	1	1	1	2	2	2
Asian	1	0	0	0	0	0
Native American	1	1	1	1	1	1
Female						
White	52	52	53	59	62	60
Black	0	0	0	0	0	0
Hispanic	2	2	2	2	2	2
Asian	1	1	1	1	1	1
Native American	2	2	2	2	2	2
<i>Total</i>	73	72	74	81	83	77

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

and ongoing training throughout a sworn officer's career.

The Santa Rosa department uses the POST administrative manual for training, continuing education courses, and programs for its sworn officers and dispatchers. The department also developed a written training plan in 1982, revised in 1991, which "attempt[s] to direct its formal training program in a manner that best enhances law enforcement services to the City."¹⁰¹ The chief wrote that the department provides 40 hours of advanced officer training annually which exceeds minimum standards set by POST.¹⁰² Advanced officer training in 1998 included hours in problem solving for neighborhoods, use of force, liability, harassment, and domestic violence issues. In 1997 a course in job-based harassment techniques for elimination was part of the continued professional training program.¹⁰³ Advanced officer training in 1995 included hours in ethics and liability. In 1993 cultural awareness was covered.

The department offers incentive pay to sworn personnel who have demonstrated certain levels of proficiency in Spanish-speaking skills and to those who attain a certain level of education, years of service, or a combination of both.¹⁰⁴ There are six Spanish-speaking bilingual officers with a high proficiency and three with an acceptable proficiency.¹⁰⁵ Among the sworn officers, there are 6 who hold master's degrees, 32 with bachelor's degrees, 9 with associate's degrees, and 98 with high school diplomas only.¹⁰⁶ Overall, the department has 8 employees with master's degrees, 43 with bachelor's degrees, 9 with associate's degrees, 169 with high school diplomas, and 5 with other (not specified).¹⁰⁷

According to Sharon Wright, mayor, city of Santa Rosa, in the last 6 to 7 years, the city of Santa Rosa has had six officer-involved shootings¹⁰⁸ and there have been approximately

60,000 to 70,000 arrests.¹⁰⁹ During the period July through December 1997, the Santa Rosa Police Department charged 246 adults with public intoxication and 8 for resisting arrest/obstruction of justice. For the same period, 15 juveniles were charged with public intoxication and 9 for resisting arrest. The chief noted that in December 1998, the police department was reviewing and modifying its internal policies for handling suspects arrested for resisting arrest or assaulting a police officer.¹¹⁰ Tables 4 and 5 provide information on the number of disorderly conduct/resisting arrest charges and their dispositions for adults and juveniles for the 6-month period specified.

The police department provides a complaint and commendation form, printed in English and Spanish. It is similar to the forms used by the other law enforcement jurisdictions in Sonoma County. For the 5-year period 1993–1997, the Santa Rosa Police Department received a total of 44 formal complaints from citizens, with 10 alleging neglect of duty, 17 for personal conduct, and 17 for use of force. Table 6 presents information provided by the Santa Rosa Police Department on citizen complaints. The American Civil Liberties Union (ACLU) believes the statistics do not present the full picture alleging the department's complaint procedure allows supervisors

car to check suspicious circumstances at the bus station. The officer fired back in self-defense; July 1997, officers responded to a call of suicide in progress, and the suspect pointed a gun he was holding directly at an officer standing near the window. The officer fired in self-defense striking, but not killing, the suspect; February 1997, after being stabbed in the head with a screwdriver, an officer fired in self-defense as the suspect was poised to stab him again; Aug. 28, 1996, a suspect attempted to strangle his wife and then fired a gun inside the couple's bedroom. The spouse called 911 the next day because her husband attempted to asphyxiate himself, but before police arrived he fled in the family van armed with four guns. An officer blocked the suspect from returning to the family residence and fired in self-defense as the suspect reached toward his belt; January 1996, officers attempted to control a violent suspect inside the department's lobby with pepper spray and a baton. The suspect allegedly advanced on an officer with a metal bar raised over his head and the officer fired in self-defense; April 1995, a suspect swung a metal pipe at an officer who slipped in his efforts to get away. As the suspect advanced, the officer fired in self-defense. The Advisory Committee realizes there are two sides to every story and makes no judgment on the veracity of these accounts or the findings of the district attorney.

¹⁰⁹ Wright Letter.

¹¹⁰ December 1998 Supplemental Report.

¹⁰¹ Executive Summaries, book 2, Santa Rosa Police Training Plan, p. iv. Training needs were divided into three priority levels: mandatory, essential, and desirable.

¹⁰² *Ibid.*, book 3, tab 7.

¹⁰³ *Ibid.*, book 3, Gordon J. Graham, speaker.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, book 3, tab 10.

¹⁰⁶ *Ibid.*, book 3, Educational Statistics.

¹⁰⁷ *Ibid.*

¹⁰⁸ Nov. 19, 1997, an officer was shot in the chest without warning or provocation 37 seconds after he exited his patrol

Table 4
Santa Rosa Police Department, Disorderly Conduct/Resisting Arrest—Adults, July–December 1997

Offense	Charged	Pending	Convicted	Dismissed
Public intoxication	246	63	110	73
Prostitution	25	10	7	8
Fighting in public	3	0	3	0
Challenge to fight	2	0	1	1
Resisting/Obstruction	8	5	1	2
False identification	11	5	1	5
Prowling	4	1	0	3
Lewd conduct	1	1	0	0

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

Table 5
Santa Rosa Police Department, Disorderly Conduct/Resisting Arrest—Juvenciles, July–December 1997

Offense	Charged	Pending	Diversion	Probationary	Dismissed
Public intoxication	15	0	11	2	2
Loitering	10	2	0	0	8
Resisting arrest	9	1	2	1	5
False identification	3	1	0	0	2

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

Table 6
Citizen Complaints, Santa Rosa Police Department, 1993–97

Type of complaint	1993	1994	1995	1996	1997
Neglect of duty	3	1	3	0	3
Personal conduct	2	2	6	6	1
Use of force	8	1	4	3	1
Sustained	1	2	6	1	1
Not sustained	12	2	7	8	4

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

to label any complaint a mere inquiry. Staff of the ACLU reviewed and compared the annual report of citizen complaints against peace officers submitted by the Santa Rosa Police Department to the Bureau of Criminal Statistics, State of California, with the citizen complaints¹¹¹ charts maintained by the department for the period 1994–1997.¹¹² The ACLU found 151 complaints filed with the Santa Rosa Police Department and only 45 reported to the State.¹¹³ The ACLU concluded that only one of three complaints is actually formally investigated by the Santa Rosa Police Department.¹¹⁴

Chief Dunbaugh wrote:

The Police Department has undertaken a leadership role and is in the process of reviewing and revising the citizen complaint process. Our goal is to create a county-wide citizen complaint process. The city council has directed the department to simplify the complaint procedure and make it more accessible to the community. We will involve community representatives in revising our complaint process.¹¹⁵

In addition to the 44 complaints from citizens, Chief Dunbaugh wrote that there were 77 conduct-related matters resulting in investigations by supervisors.¹¹⁶ Of these 77, 41 were for neglect of duty, 35 for personal conduct, and 1 for use of force. He added that investigations were conducted into the 121 complaints, of which 77 were sustained, 10 were unfounded, 31 exonerated, and 3 were inconclusive. A total of 910 hours of suspension was imposed during the 5-year period. Table 7 provides information on the disposition of sustained complaints.

Time in days to resolve the complaints varied considerably. In 1993 the shortest time to resolve a complaint was 24 days, the longest 120 (13 complaints, average 54.5 days); in 1994 the

shortest in 8 days, the longest in 72 (4 complaints, average 42.7 days); in 1995 the shortest in 6 days, the longest in 150 days (13 complaints, average 38.3 days); in 1996 the shortest in 24 days, the longest in 144 days (9 complaints, average 70.8 days); in 1997 the shortest in 55 days, the longest in 125 days (5 complaints, average 88.8 days).¹¹⁷ Chief Dunbaugh wrote:

You will see some investigations exceed a 90 day time frame and this is often the consequence of officer availability, witness availability, and the time it takes to conduct interviews. This is generally the rule when complaints involve multiple complainants, witnesses, involved personnel and attorney representation.¹¹⁸

The city of Santa Rosa offers two separate grievance procedures, one for police officers negotiated during contract discussions and the second for all other personnel.¹¹⁹ For the period 1993–1997 there were 11 formal grievances filed by police officers.¹²⁰ Of this total, seven were denied, three sustained, and one decision, whose arbitration was completed in November 1997, was pending at the time of the Advisory Committee's inquiry.

The police department has developed and established a Neighborhood Oriented Policing Community Advisory Board comprising representatives from each of the 11 policing zones that make up the city. According to the mayor, the meetings are held monthly at various locations throughout the city and open to the public.¹²¹

There were no accidental discharges of weapons by police officers during the 5-year time period. The department believes that "the critical tasks in the performance appraisal system provide the opportunity for supervisors to assess officers and trends they develop which could take them down the path of being troubled or at-risk."¹²² Chief Dunbaugh wrote, "The Police Department has identified and is in the process of

¹¹¹ "Although titled citizen complaints, they serve as inquiries unless they become formal investigations and as such, become formal complaints." Commander Michael J. Lambert, Santa Rosa Police Department, letter to American Civil Liberties Union, Sept. 29, 1998.

¹¹² John M. Crew, director, Police Practices Project, American Civil Liberties Union of Northern California, San Francisco, letter to Sharon Wright, mayor, and members of the city council, city of Santa Rosa, Oct. 9, 1998.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ December 1998 Supplemental Report.

¹¹⁶ Executive Summaries.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, book 3, tab 19.

¹¹⁹ The city of Santa Rosa compares itself with the following cities and counties when conducting labor negotiations: the cities of Concord, Fairfield, Fremont, Hayward, Modesto, Richmond, Salinas, San Mateo, Sunnyvale and Vallejo; and the county of Sonoma. *Ibid.*

¹²⁰ *Ibid.*, book 3.

¹²¹ Wright Letter.

¹²² *Ibid.*, book 3, tab 24.

Table 7**Santa Rosa Police Department, Sustained Complaints and Disposition, 1993-97**

Type of complaint	Total complaints	Sustained	Written reprimand	Corrective interview	Suspended	Terminated
Personal conduct	52	40	30	0	8	2
Neglect of duty	51	36	19	2	14	1
Use of force	18	1	0	0	0	1

SOURCE: Santa Rosa Police Department, Apr. 14, 1998.

obtaining software which will aid the Department in monitoring employee involvement in incidents resulting in complaints or use of force."¹²³

The department has an employee assistance policy. According to the police chief, "when red flags occur, supervisors are encouraged to direct employees to the Employee Assistance Program and there have been enormous successes with the program."¹²⁴

Sebastopol

Sebastopol, about 7 miles in from Highway 101, is a country city.¹²⁵ It has an overall low crime rate and had no homicides in 1995 or 1994.¹²⁶ In 1991 Dwight Crandall, chief of police, Sebastopol Police Department, developed a mission statement to reflect his policy and philosophy regarding policing obligations to the community.¹²⁷ The "statement and direction [were] to provide guidance [to] further teamwork and cohesiveness within the department, while rendering police services to [the] community."¹²⁸ The statement seeks to provide a high level of service to the community, safeguard lives and property, and defend the constitutional rights of all people in a safe and secure environment. The Advisory Committee believes these to be worthy goals for effective law enforcement.

¹²³ December 1998 Supplemental Report.

¹²⁴ Santa Rosa Response.

¹²⁵ McCormack Guide.

¹²⁶ Ibid.

¹²⁷ Dwight Crandall, chief of police, Sebastopol Police Department Mission Statement, memorandum, Mar. 21, 1991. The mission statement reads, "To provide a high level of service to the community, to safeguard lives and property, to defend the constitutional rights of all people, and to help create and preserve a safe and secure environment." Ibid.

¹²⁸ Ibid.

The department consists of the following personnel: 1 chief; 1 lieutenant; 2 sergeants; 2 corporals; 10 patrol officers; 4 communications/clerk dispatchers; 1 police control aide; 2 part-time police control aides; 3 crossing guards; 4 community service volunteers (men and women); 7 reserve police officers (men and women); and 9 police explorers (boys and girls).¹²⁹ Although requested to provide a breakdown of this staff by race and gender, the department wrote it was "unable to supply some requested documents." The chief wrote:

According to our city attorney, we are not permitted by the California Government Code to supply documents which pertain to or are a part of an officer's file or reserve officer's personnel file, or to reveal individual salaries. (Please see California Government Code section 6254 c.) Accordingly, we are therefore unable to supply the following: salary levels, race, ethnicity, multilingual status, age.¹³⁰

The Advisory Committee is aware of information that cannot be made public and has ensured confidentiality in this report when noting the responses received from other law enforcement jurisdictions in the county. The Advisory Committee has not denoted specific officers nor would it do so. Since the chief indicated "men and women" and "boys and girls" in specific categories of the department's personnel, the Advisory Committee would have appreciated receiving ethnic and gender diversity for the

¹²⁹ Dwight Crandall, chief of police, Sebastopol Police Department, Response to the California Advisory Committee to the U.S. Commission on Civil Rights Request for Documents, Apr. 14, 1998 (hereafter cited as Sebastopol Response).

¹³⁰ Ibid.

sworn command structure and officer ranks of the Sebastopol Police Department.

Ordinance 563 of the city of Sebastopol provides that the city council may, by resolution, establish rules and regulations regarding salaries, vacations, sick leave, and other benefits; and uniform rules and regulations for the appointment and discharge of city employees.¹³¹ Through April 14, 1998, there had been no underutilization analyses or reports, or hiring goals prepared by or for the Sebastopol Police Department.¹³² According to the chief, in 1994 there were layoffs of personnel for the first time, and the department is still not up to its previous fully authorized strength. The department does not have an affirmative action plan, but all job announcements for sworn and civilian positions in the police department include the notification that women and minorities are encouraged to apply. There are written job descriptions for all sworn positions. A new employee within the police department is considered a probationary employee for the first 18 months of employment.¹³³

The department uses the regional training academy as one source for recruitment.¹³⁴ The chief wrote:

Testing of candidates includes oral review boards consisting of police professionals (men and women) from other agencies and members (men and women) of the local community. Written tests are provided by California Cooperative Personnel Services, and scoring of the written tests is also completed by that agency. Very strict and closely guarded testing procedural agreements are required. Testing of candidates is POST approved. This department has never been challenged by any applicant on any hiring procedure or promotional test given.¹³⁵

The Sebastopol Police Department adheres to the manual provided by the Commission on Peace Officer Standards and Training (POST) for its sworn personnel including reserve offi-

¹³¹ City of Sebastopol, Resolution No. 2357, Personnel Resolution of the City of Sebastopol, as amended, June 18, 1973 (hereafter cited as Personnel Resolution). The resolution also includes procedures for employee grievances, leave, termination, and training compensation.

¹³² Sebastopol Response.

¹³³ Personnel Resolution.

¹³⁴ Sebastopol Response.

¹³⁵ Ibid.

cers. The commission's Training Delivery and Compliance Bureau inspects police departments statewide to assess compliance with POST regulations. According to Rick Lockwood, a senior consultant for the bureau, in 1993 the Sebastopol Police Department's selection and training standards met or exceeded POST requirements.¹³⁶ Another senior consultant, Gene S. Rhodes, reviewed the department's recruitment and training records on July 1, 1997, and also reported compliance with POST standards.¹³⁷

The Advisory Committee reviewed the department's training records of the chief, 15 sworn officers, 8 reserve officers, and 5 dispatchers for the period beginning January 12, 1983, through January 26, 1998.¹³⁸ At the Advisory Committee's factfinding forum, community spokespersons alleged a lack of training in certain areas, and so, in its review, the Advisory Committee focused on use of force, domestic violence, ethnic/cultural diversity, sexual harassment, and suicide prevention. Combined the chief and sworn officers had a total of 130 hours of training in use of force liability, 90 in domestic violence, 46 in ethnic/cultural diversity, 58 in sexual harassment, and 19½ in suicide prevention. Two officers had no training in any of these issues.¹³⁹ Combined the seven reserve officers had a total of 6 hours of training in use of force liability, 4 in domestic violence, 22 in ethnic/cultural diversity, 8 in sexual harassment, and 10 in suicide prevention. One reserve officer had no training in any of these issues.¹⁴⁰ Combined the five dispatchers had 1 hour of training

¹³⁶ Rich Lockwood, senior consultant, Training Delivery and Compliance Bureau, Commission on Peace Officer Standards and Training, letter to Dwight F. Crandall, chief, Sebastopol Police Department, May 26, 1993.

¹³⁷ Gene S. Rhodes, senior consultant, Training Delivery and Compliance Bureau, Commission on Peace Officer Standards and Training, letter to Dwight F. Crandall, chief, Sebastopol Police Department, July 9, 1997. The continuing professional training for three officers would be completed by Oct. 31, 1997.

¹³⁸ Sebastopol Response. A separate sheet listing all training taken by each individual was provided to the Advisory Committee. This effort on the part of the Sebastopol Police Department is appreciated by the Advisory Committee.

¹³⁹ Both officers began their tenures with the department in 1997 and missed blocks of training on cultural awareness (4 hours), sexual harassment (4 hours), and domestic violence (1 hour) held in July 1996. In Sebastopol Response.

¹⁴⁰ The officer began his tenure in March 1991. Sebastopol Response.

in domestic violence, and 8 hours in ethnic/cultural diversity. Two dispatchers had no training in any of these issues.¹⁴¹

The Sebastopol Police Department has a written use of force policy updated October 22, 1997, using guidelines standardized for uniformity and adopted by the Sonoma County Law Enforcement Chiefs Association.¹⁴² The department also has an employee assistance program that can be voluntarily used by police employees who are troubled or at risk. In addition, employees can be ordered by the chief of police to receive evaluation and therapy if the need is indicated.¹⁴³ According to the chief, there have been no formal or informal equal employment opportunity complaints or employee grievances filed against the Sebastopol Police Department for the 5-year period reviewed by the Advisory Committee.

Sebastopol Police responded to and logged 26,611 incidents in 1996; 25,630 in 1995; 21,719 in 1994; 21,958 in 1993; 17,291 in 1992; and 14,014 in 1991.¹⁴⁴ Officers arrested 152 juveniles and 588 adults in 1997; 139 juveniles and 504 adults in 1996;¹⁴⁵ and had 643 total arrests in 1996; 698 in 1995; 676 in 1994; 692 in 1993; 707 in 1992; and 724 in 1991.¹⁴⁶

Community members often allege that officers will add a charge of resisting arrest to a combined crime and arrest report. This allegation was not aimed at the Sebastopol Police Department, but the Advisory Committee reviewed a number of its arrest records as well as those of other law enforcement jurisdictions in the county. Of the 30 arrest reports for public intoxication written by Sebastopol police officers for the period July 1, 1997, through December 31, 1997, none included a charge of resisting arrest. According to the chief, approximately 64 percent of the reports resulted in formal charges being

brought against the suspect; however, in many instances, the arresting officer chose not to proceed with the filing of a formal complaint, but chose instead to release the suspect in accordance with California law.¹⁴⁷

Incidents and arrests may generate either a commendation or a complaint. The Advisory Committee notes that it received copies of numerous letters from citizens who appreciated the professionalism of their contact with an officer or dispatcher of the Sebastopol Police Department. The Advisory Committee received similar tributes from citizens living within the jurisdictions of other law enforcement departments in the county. The chief of the Sebastopol department noted that officers of his department had received the annual award as the Outstanding Sonoma County Peace Officer of the Year in 1993, 1995, 1996, and 1997.¹⁴⁸ But, the department also received complaints.

The process to file a complaint is listed in the Sebastopol Police Department citizen complaint form.¹⁴⁹ The chief wrote:

Citizen complaint forms, printed in English and Spanish, are available in the lobby of the Police Department for any citizen wishing to initiate a complaint against any department member alleging brutality, excessive force, rudeness, inappropriate conduct, or any other complaint. This department will receive anonymous complaints, complaints by phone, by letter, and in person.¹⁵⁰

In addition, if a citizen does not want to contact the police department for a citizen complaint form, he or she can pick up a generic form generated by the city manager and used in all departments which can be sent directly to the Se-

¹⁴¹ One began in September 1997, and the other began January 1998. Sebastopol Response.

¹⁴² Chief of police, Sebastopol Police Department, Use of Force, memorandum with attachment, Oct. 22, 1997. The attachment was a three-page memorandum titled Sonoma County Law Enforcement Chiefs Association, Use of Force, Policy 92-4.

¹⁴³ Sebastopol Response.

¹⁴⁴ Dwight Crandall, chief of police, Sebastopol Police Department, *Annual Report, 1996* (hereafter cited as 1996 Annual Report).

¹⁴⁵ Dwight Crandall, chief of police, Sebastopol Police Department, *Annual Report, 1997*.

¹⁴⁶ 1996 Annual Report.

¹⁴⁷ Sebastopol Response. See Penal Code § 849(b)(2). The chief added that at times, if there are no other violations of law associated with a disorderly conduct arrest (under the influence of alcohol in public), the officer may decide to release the suspect without formal charges. Sebastopol Response.

¹⁴⁸ Sebastopol Response. The officer for this award is selected annually by the Sonoma County Law Enforcement Chiefs Association and presented by the Exchange Club of Santa Rosa.

¹⁴⁹ Sebastopol Police Department, *Citizen Commendation and Complaint Procedure*, pamphlet. The pamphlet has instructions, and a detachable complaint section is pre-addressed and requires postage. In Sebastopol Response.

¹⁵⁰ *Ibid.*

bastopol city manager.¹⁵¹ This form is also in English and Spanish.

In its *Annual Report of Citizens Complaints Against Peace Officers* submitted to the State, the Sebastopol department reported: 17 non-criminal complaints in 1993 (11 unfounded, 6 sustained); 9 noncriminal in 1994 (7 unfounded, 2 sustained); 14 noncriminal in 1995 (13 unfounded, 1 sustained); and 8 noncriminal and 1 criminal in 1996 (9 unfounded).¹⁵² The department did not provide any information on whether discipline was imposed for the sustained complaints or what form such discipline may have been.

Because of legal advice, the department was not able to provide information on the listing and contents of citizen complaints, charges brought against individual officers, or officers disciplined for misconduct. The chief noted, "According to our City Attorney, California law will not permit the disclosure of complaints filed against individual officers."¹⁵³ The Advisory Committee requested information on types of citizen complaints and categories of charges and discipline and did not solicit information on individual officers or specific incidents.

There were no accidental discharges of weapons by law enforcement officers during the 5-year period.

Sonoma

The city of Sonoma has a sense of history. Spain's and later Mexico's reach into California ended in Sonoma with the construction of a Mission, barracks, and the home of Mariano Vallejo, one of the great figures of the Hispanic era.¹⁵⁴ The Bear Flag was first raised in Sonoma, and the incident that led to the U.S. conquest of California occurred here.¹⁵⁵ The city is 2.1 square miles. There were two homicides in 1995 and none in 1994.

The Sonoma Police Department has 15 sworn officers and 6 nonsworn employees.¹⁵⁶ Sworn

officers include: 10 white males (66.6 percent); 2 Hispanic males (13.3 percent); and 3 white females (20 percent); and nonsworn employees include: 5 white females (83.3 percent) and 1 white male (16.6 percent).¹⁵⁷ One sworn officer and one nonsworn employee are bilingual in Spanish. Overall, the department is 90 percent white, 10 percent Hispanic, 62 percent male, and 38 percent female.¹⁵⁸

The city of Sonoma does not have a formal affirmative action plan, and according to the department, "all recruitment procedures adhere to the Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978."¹⁵⁹ Candidates for sworn positions must have, at the minimum, a high school diploma and the ability to complete a basic police academy training program and pass a background investigation as well as medical and psychological exams. The personnel department for the city of Sonoma does not maintain a list of all job vacancy announcements, but the police department provided information on recruitment that resulted in hired personnel. Between August 1994 and December 1997, the department promoted one individual, hired eight, and appointed two from its former reserve officer program.¹⁶⁰ In addition, there were no acceptable candidates for one position each as a police aide and police officer. The Sonoma Police Department had no equal employment opportunity complaints filed against it for the 5-year period reviewed by the Advisory Committee and only two employee grievances, both in 1996, with one denied and the other found "not grievable."¹⁶¹

The department conforms to all POST guidelines and legal mandates related to training. Annual training on use of force and firearm qualifications is mandatory. The training schedule for the period March 4, 1996, through April 9, 1998, included: 4 days on Spanish for law en-

¹⁵¹ Ibid.

¹⁵² Dwight F. Crandall, chief of police, Sebastopol Police Department, *Annual Reports of Citizen's Complaints Against Peace Officers, 1993, 1994, 1995, 1996, 1997*.

¹⁵³ Sebastopol Response. See Cal. Evid. Code § 1043 (1999).

¹⁵⁴ McCormack Guide.

¹⁵⁵ Ibid.

¹⁵⁶ John P. Gurney, chief of police, City of Sonoma Police Department, Response to the California Advisory Commit-

tee to the U.S. Commission on Civil Rights Request for Documents, Apr. 15, 1998 (hereafter cited as Sonoma Response). The material was prepared by Chief John P. Gurney, Captain Robert Wedell, and staff of the City of Sonoma Police Department.

¹⁵⁷ Sonoma Response.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

forcement attended by 1 officer; an 8-hour block on "tools for tolerance" in 5 sessions attended by the chief and 7 officers; a 5-day session on sexual assault investigation attended by 1 officer; in-house 4-hour blocks on use of force attended by 4 officers; and in-house 2-hour blocks on use of force attended by 33 officers.¹⁶² Training planned for May 11 through June 19, 1998, included: an 8-hour block on tools for tolerance in 6 sessions to be attended by 11 officers; a 16-hour block on use of force, including defensive tactics, impact weapons, chemical weapons, and liability for all staff; and ongoing monthly 2-hour in-house training on use of force.¹⁶³ Captain Robert Wedell, Sonoma Police Department, wrote Chief John Gurney:

In February 1997, our department participated in a 16 hour training block specifically addressing the issues of domestic violence. Our department is committed to sending all personnel to the Simon Wiesenthal Center, Tools for Tolerance program in Los Angeles. To date, we have sent 8 employees [and] the balance will be sent in 1998. Our department has been sending staff to Gang Awareness training [and] since 1995 [two officers] have attended this meeting. Our department has participated in sending staff members to the Spanish for law enforcement class. Staff from the front office attended this class in November 1996.¹⁶⁴

The police department distributes a citizen commendation and complaint procedure pamphlet that outlines the process of filing a complaint and includes a blank complaint form with the chief's address.¹⁶⁵ Mayor Carter wrote, "The City of Sonoma and its police department encourage the public scrutiny of its employees in their task of serving the community."¹⁶⁶ There is a written procedure regarding citizen complaints within the department's rules and regulations. During the period July 1 through December 31,

1997, the Sonoma Police Department received two citizen complaints: one for conduct toward the public and one for performance of duty. The department's investigation determined that one was unfounded and the other was not sustained. Both complainants were notified in writing and one was also telephoned with the disposition results.¹⁶⁷

For the period July through December 1997, officers wrote five arrest reports with multiple allegations, including battery on a police officer (four charges), disorderly conduct, resisting arrest (five charges), or stop and frisk. Of the four charges of battery on a police officer, two were dismissed, one convicted, and one settled. Of the five charges for resisting arrest, three were dismissed (one was dismissed with a letter of apology to the police officer), a juvenile was released to the custody of his parents, and one settled.¹⁶⁸

There were two internal affairs investigations conducted involving three officers during the period July 1 through December 31, 1997, and all were sustained. Two officers charged with care of department equipment violations were each given 1-day suspensions without pay; and one officer charged with a violation of performance of duty was given a 4-day suspension without pay.¹⁶⁹ There is no written policy used to identify troubled or at-risk officers. Captain Wedell wrote:

There is however a multi-leveled approach to this matter. All employees are provided with written information on accessing the employee assistance program [EAP]. All supervisors attended training on how to use the EAP. Supervisors are routinely monitoring the performance and behavior of the officers. Direct feedback is provided to officers concerning their performance. When it is warranted, through either an officer's request or a supervisor's request based on an officer's performance, an evaluation by the department's psychologist can be made.¹⁷⁰

There have been no accidental discharges of weapons by law enforcement officers during the 5-year period reviewed by the Advisory Committee.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Captain Robert Wedell, Training Policies for Special Needs, memorandum to Chief John Gurney, City of Sonoma Police Department, Apr. 15, 1998.

¹⁶⁵ City of Sonoma Police Department, *Citizen Commendation and Complaint Procedure*, pamphlet, August 1997. The pamphlet is preaddressed but requires postage and may be mailed directly to the chief.

¹⁶⁶ Phyllis Carter, mayor, city of Sonoma, letter to Philip Montez, regional director, Western Regional Office, U.S. Commission on Civil Rights, Feb. 18, 1998.

¹⁶⁷ Sonoma Response.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Captain Robert Wedell, *Troubled or At-risk Officers*, memorandum to Chief John Gurney, City of Sonoma Police Department, Apr. 15, 1998.

Windsor

Windsor, incorporated in 1992, is the newest city in Sonoma County and is located 6 miles north of Santa Rosa. There were no homicides in 1995 or 1994. Some of the statistics reported by the Sonoma County Sheriff's Department include information on the Windsor Police Department and are included in the section that follows. The Advisory Committee did not review any other records of this department.

Sonoma County Sheriff's Department

The sheriff is the elected law enforcement officer for Sonoma County and is also the coroner.¹⁷¹ The sheriff's department is responsible for law enforcement services in the unincorporated areas of Sonoma County and in jurisdictions for which it has contracted to provide such services and for the operation of the county jail facilities. Sheriff Jim Piccinini noted:

[The department's mission statement] focuses on improving the quality of life through community partnerships which promote safe, secure neighborhoods and families. We strive to fulfill our responsibilities to all segments of our community in a manner that is honest, effective and efficient. That is the basic premise for all of the services provided by the men and women of the sheriff's department.¹⁷²

The sheriff's department has 694 total sworn and nonsworn, full- and part-time employees, including 465 males and 229 females.¹⁷³ Table 8 provides a breakdown of the sheriff's department's 248 sworn personnel. The department has one American Indian male and one white female above the rank of deputy, both at the sergeant rank.

Table 9 provides information on the sheriff's department's 220 correctional personnel. Women among correctional staff include a captain, 4 lieutenants, and 4 sergeants—all white—and 51

¹⁷¹ Jim Piccinini, sheriff, Sonoma County Sheriff's Department, letter with responses to Fernando A. Hernandez, Ph.D., chairperson, California Advisory Committee to the U.S. Commission on Civil Rights, Apr. 17, 1998 (hereafter cited as Sheriff Response). Jim Piccinini, following a 22-year career with the department, was appointed sheriff in October 1997 by the board of supervisors.

¹⁷² Jim Piccinini, sheriff, Sonoma County Sheriff's Department, letter with data to Fernando A. Hernandez, Ph.D., chairperson, California Advisory Committee, Feb. 19, 1998 (hereafter cited as Piccinini, Feb. 19 Letter).

¹⁷³ Sheriff Response.

female correctional officers (48 white, 2 Hispanic, 1 black).

The county of Sonoma has an equal employment opportunity and affirmative action policy and equal employment opportunity discrimination complaint procedures.¹⁷⁴ The State of California's Office of Criminal Justice Planning reviewed the sheriff's department's equal employment opportunity program and found it to be in compliance with appropriate Federal and State regulations.¹⁷⁵

In a January 26, 1998, press release, the sheriff said:

While this department has succeeded in increasing the number of female and minority employees overall, I am aware that we need more women and minorities in law enforcement as patrol deputies. I intend to find women and minority law enforcement officers at work in other agencies around California and recruit them to work here. I am confident an effective outreach program to female and minority law enforcement officers both locally and in areas like Southern California will result in experienced, qualified applicants for our department.¹⁷⁶

The department believes that it "has had an active program of participation in community functions as part of its recruitment program."¹⁷⁷ Community spokespersons alleged that in order to be successful with such recruitment, the department needs to improve its work environment for women and minorities. According to Piccinini, a "series of harassment lawsuits have plagued our department [and] as a new Sheriff, one of the first issues that I concentrated on is the elimination of this cycle of lawsuits."¹⁷⁸ In

¹⁷⁴ Richard Gearhard, director, Personnel and Employee Relations, Sonoma County Personnel Department, Revised Equal Employment Opportunity and Affirmative Action Policy and Equal Employment Opportunity Discrimination Complaint Procedure, departmental memorandum 97-004-P, Mar. 3, 1997.

¹⁷⁵ Linda L. Orozco, EEO compliance officer, Office of Criminal Justice Planning, State of California, Mar. 12, 1997.

¹⁷⁶ Jim Piccinini, sheriff, Sonoma County Sheriff's Department, Sheriff Announces Plans to Eliminate Workplace Harassment and to Address Recruitment and Retention of Qualified Employees, press release, Jan. 26, 1998.

¹⁷⁷ Jim Piccinini, sheriff, Sonoma County Sheriff's Department, letter with supplemental data binder to Fernando A. Hernandez, Ph.D., chairperson, California Advisory Committee, Apr. 17, 1998 (hereafter cited as April 1998 Supplemental Data).

¹⁷⁸ Transcript, 1998, p. 52.

Table 8**Diversity Breakdown of Sworn Personnel, Sonoma County Sheriff's Department, February 1998**

Rank	Male white	Male Hispanic	Male black	Amer. Indian	Male Asian	Female white	Total
Sheriff	1	0	0	0	0	0	1
Assistant sheriff	1	0	0	0	0	0	1
Captain	3	0	0	0	0	0	3
Lieutenant	8	0	0	0	0	0	8
Sergeant	26	0	0	1	0	1	28
Deputy	183	7	7	1	2	7	207
<i>Total</i>	222	7	7	2	2	8	248

SOURCE: Sonoma County Sheriff's Department, Feb. 20, 1998.

Table 9**Diversity Breakdown of Correctional Personnel, Sonoma County Sheriff's Department, February 1998**

Rank	Male white	Male Hispanic	Male black	Male Asian	Female white	Female Hispanic	Female black	Total
Sheriff	1	0	0	0	0	0	0	1
Assistant sheriff	1	0	0	0	0	0	0	1
Captain	1	0	0	0	1	0	0	2
Correctional lieutenant	4	0	0	0	4	0	0	8
Correction sergeant	15	2	2	0	4	0	0	23
Correctional officer	112	13	6	2	48	2	1	184
Training manager	0	0	0	0	1	0	0	1
<i>Total</i>	134	15	8	2	58	2	1	220

SOURCE: Sonoma County Sheriff's Department, Feb. 20, 1998.

Table 10**Citizen Calls for Service and Complaints Against Sheriff Deputies, 1993-97**

Year	Calls for service	Complaints	Sustained	Not sustained	Pending
1993	120,370	10	2	7	0
1994	134,694	11	4	7	0
1995	136,062	11	5	6	0
1996	132,895	12	2	10	0
1997	133,741	6	2	4	1

SOURCE: Sonoma County Sheriff's Department, Feb. 19, 1998.

October 1997, the sheriff's department adopted a law enforcement division general order regarding unlawful harassment in the workplace¹⁷⁹ which mandated that "all instances" be reported. Penny Harrington, director, National Center for Women in Policing, read the sexual harassment policy and said:

My personal opinion is that the policy is illegal. It mandates that the woman must report to the agency if she is being sexually harassed. Way at the end of the policy, the last paragraph or [so], it says the person being harassed can go to the [State] Department of Fair Employment and Housing or the [Federal] Equal Employment Opportunity Commission and they do not have to report it to the police department. But the first page and a half are all about how you must report.

What I have seen happen in other agencies with a [similar] policy is that if a woman does not report and then later she makes [an] outside complaint, she is brought up on charges for failing to obey the policy. That has been used in police departments across the United States.

The truth is a woman does not have to report it to her agency if she does not want to and she can go straight outside.¹⁸⁰

The Advisory Committee acknowledges that the sheriff's office appears committed to improving the workplace environment and if it has not already done so, the office may want to review its harassment policy in light of Penny Harrington's observations.

The sheriff's department uses the Santa Rosa Training Center for State-mandated training of a minimum of 664 hours. All sworn employees of the department must have successfully completed the police academy prior to hiring.¹⁸¹ The department's pre-hiring training hours exceed the POST minimum requirements. Information provided the Advisory Committee indicated that the 1996 academy total of 784 hours included: 24 hours on cultural diversity, 18 on community relations, 12 hours on domestic violence, and 12 hours on use of force. It is also a State mandate that all correctional officers complete the basic

core correctional academy within a year from the date of their hire. Again, the sheriff's department uses the Santa Rosa Training Center, and its 144 hours of training exceed the 116 hours required by the California State Board of Corrections, Standards for Training of Corrections.¹⁸² Piccinini wrote:

Cultural diversity training is part of the basic academy for peace officers so each of our newly hired officers has had that training. In addition, our department made cultural diversity one of the classes for annual training in 1992 and again as part of the annual training that is currently going on. We have had panels of community members from diverse backgrounds (normally four members of each class) for each of the annual courses.¹⁸³

The sheriff's department has a required field training program for new deputy sheriffs, either lateral or entry-level personnel, and "expects its Field Training Officers (FTO) to be highly competent and motivated individuals who will serve as strong role models, trainers and evaluators."¹⁸⁴ Since its responsibilities include correctional facilities, the sheriff's department also has a trainers manual for facility training officers to provide new officers with experience which "will enable them to function on their own as a Correctional Officer."¹⁸⁵ According to Sergeant H. Nelson Pinola, Field Training Program:

Each new hire is given three different Field Training Officers [during] a three phase program that lasts for 14 weeks. New hired deputies with no law enforcement experience will be required to complete an 18-week program. New hired deputies with lateral experience may be accelerated through the program, but in no case will they be allowed out of the program in less than 10 weeks. All training is documented by the FTO in a daily observation report.¹⁸⁶

¹⁸² Ibid.

¹⁸³ Jim Piccinini, sheriff, Sonoma County Sheriff's Department, letter with data binder to Fernando A. Hernandez, Ph.D., chairperson, California Advisory Committee, Apr. 17, 1998.

¹⁸⁴ Sonoma County Sheriff's Department, *Field Training Officer Program Manual*.

¹⁸⁵ Sonoma County Sheriff's Department, *Facility Training Officer's Manual*, October 1997.

¹⁸⁶ Sergeant H. Nelson Pinola, Sonoma County Sheriff's Department, memorandum to Captain Erne Ballinger, Administration Division, Apr. 6, 1998.

¹⁷⁹ Sonoma County Sheriff's Department, Law Enforcement Division General Order 3-04, Unlawful Harassment, Oct. 27, 1997.

¹⁸⁰ Transcript, 1998, p. 117.

¹⁸¹ Piccinini, Feb. 19 Letter.

The department also has a mandate of 24 hours every year for POST certified advanced officer training for all personnel. The department mandate exceeds the State's every-other-year requirement. Since 1991 the department's advance officer training has included: 7 hours of training in cultural diversity/awareness, 24 hours in domestic violence, 1 hour in how to deal with people with mental disorders, and 8 hours of defensive tactics/use of force.¹⁸⁷

Compliance reviews conducted by the Commission on Peace Officer Standards and Training reviewed by the Advisory Committee demonstrated that the sheriff's department usually meets or exceeds POST minimum requirements.¹⁸⁸ Sheriff Piccinini noted, "The majority of our training is done in house, however, outside presenters are used for specialty topics such as the Criminal Personality or Team Building for Supervisors. Our cultural diversity and domestic violence training is done with a combination of in-house and outside providers."¹⁸⁹

The sheriff also reported that ongoing training includes roll call training, preevent training, and quarterly range/defensive tactics and use of force training.¹⁹⁰ Roll call training, about 20 to 30 minutes, includes invited guest speakers and is presented to the department's patrol personnel prior to beginning their patrol work. Preevent training is also presented at roll call

and "allows the supervisor of each shift to monitor the level of knowledge for personnel on [varied] topics such as new policy and procedures, officer safety, domestic violence, flood safety and driver safety."¹⁹¹ The department has an extensive policies and procedures manual available to all employees.

One of the allegations made against the county's law enforcement departments, including the sheriff's department, was that calls alleging domestic violence held no priority and that the handling of such incidents displayed insensitivity and a lack of concern for the victims. Law enforcement command disputed this allegation. The sheriff's department adopted a general order on domestic violence in September 1996.¹⁹² According to the sheriff, all department personnel received 48 hours of domestic violence training in 1997 that emphasized the need to arrest the primary aggressor of a domestic violence situation.¹⁹³ He added that the Domestic Violence/Sexual Assault Unit has done patrol training and produces a quarterly training bulletin emphasizing the identification of the primary aggressor, and the department has taken on the role of providing smaller departments with domestic violence training.¹⁹⁴

The sheriff's department created the Domestic Violence/Sexual Assault Unit in October 1996.¹⁹⁵ For the period January 1 through December 31, 1997, the sheriff's department received 1,233 total calls alleging domestic violence. Of this figure, 423 felony (365 male, 58 female) and 192 misdemeanor (170 male, 22 female) arrests were submitted to the district attorney, and 529 misdemeanor (423 male, 106 female) and 89 felony (77 male, 12 female) com-

¹⁸⁷ Linda Eubanks, training manager, Sonoma County Sheriff's Department, Advanced Officer Training Content Summary, 1991-1998, memorandum, Feb. 19, 1998.

¹⁸⁸ Compliance audit letters provided by Sheriff Piccinini included: Gene S. Rhodes, senior consultant, Training Delivery and Compliance Bureau (TDCB), Commission on Peace Officer Standards and Training (POST) letter to Mark Ihde, sheriff, Sonoma County, July 9, 1997; Rich Lockwood, senior consultant, TDCB, POST, letter to Mark Ihde, sheriff, Sonoma County, Mar. 6, 1995; Rich Lockwood, senior consultant, TDCB, POST, Feb. 25, 1994; and Gary Sorg, senior consultant, TDCB, POST, letter to Mark Ihde, sheriff, Sonoma County, Mar. 15, 1993. The Sorg letter noted that specified corrections would be made by Apr. 3, 1993, at which time a return visit would be scheduled. Mark Ihde is no longer the sheriff. Between February and April 1997, Mark Ihde was on medical absence and John Sully served as acting sheriff. When John Sully left on medical leave in April, 1997 Jim Piccinini was appointed acting sheriff. Mark Ihde retired in October 1997.

¹⁸⁹ Piccinini, Feb. 19 Letter.

¹⁹⁰ Jim Piccinini, sheriff, Sonoma County Sheriff's Department, letter and supplemental data binder to Fernando A. Hernandez, Ph.D., chairperson, California Advisory Committee, Apr. 17, 1998 (hereafter cited as April 1998 Supplemental Data).

¹⁹¹ Ibid.

¹⁹² Piccinini, Feb. 19 Letter, sec. 12. Sonoma County Sheriff's Department, Law Enforcement Division General Order 5-09, Domestic Violence, Sept. 24, 1996 (rev. Jan. 15, 1997, Sept. 16, 1997, and Oct. 20, 1997).

¹⁹³ Ibid., sec. 12.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid. In November 1995, the department applied for a Federal grant to be used in community policing to combat domestic violence. In June 1996, the department was informed it had been awarded funds from the grant program. The sheriff requested and received additional funding through the board of supervisors to create a model program for domestic violence services. The unit is composed of the sheriff's department, YWCA, and the office of the district attorney.

plaints were submitted to the district attorney. For 1997, 15.8 percent of those arrested for felony spousal abuse were women.

Sheriff Piccinini wrote, "As an avenue to encourage public/private partnerships, we conduct a twelve week Citizen's Academy which shares with the public what we do, how we do it and provides a forum for feedback from the participants to tell us how we are doing."¹⁹⁶ The department had 33 graduates from its first two academies, and expected 18 from its third which graduated April 8, 1998.

The Sonoma County Sheriff's Department has a written use of force policy and associated policies covering such issues as firearms, maximum restraint, and impact weapons.¹⁹⁷ The department has also adopted the Sonoma County Law Enforcement Chief's Association use of force protocol.

The sheriff's department provides a citizen commendation and complaint form in both English and Spanish, which includes space for writing one's concern and is preaddressed for convenience. According to the sheriff, the complaint forms are available at all of the department's public access areas,¹⁹⁸ and although not put on display, they are "immediately available" upon request.¹⁹⁹ He wrote, "It is the philosophy of the Department to resolve any citizen complaint as quickly and efficiently as possible."²⁰⁰ The 1996-1997 Sonoma County Grand Jury received sev-

eral citizen complaints regarding the performance of the Sonoma County Sheriff's Department. In its final report, the grand jury wrote:

While investigating these complaints, the Grand Jury was given two conflicting written policies by the Sheriff's Department concerning a citizen's right to appeal the outcome of his/her complaint. On numerous occasions, both verbally and in writing, the Grand Jury has asked for clarification of the Sheriff's policy on this matter. As of June 1, 1997, nothing had been received from the Sheriff's Department.²⁰¹

In addition, the grand jury found that the sheriff's department lost at least one complaint filed in 1996 that dealt with problems regarding the enforcement of a temporary restraining order (TRO).²⁰²

During the 5-year period 1993-1997, the sheriff's department responded to 657,762 calls for service which resulted in 23,359 arrests and the issuance of 9,027 citations.²⁰³ The sheriff wrote:

The vast majority of citizen contacts require conflict resolution. Verbal judo, evaluation of mentally disturbed or substance impaired subjects, referrals and non-physical conflict resolution techniques are all tools taught and used every day by law enforcement.

In fact, the use of violence is a rare exception in Sheriff's Department/Citizen contacts.²⁰⁴

An arrest, under California Penal Code Section 835, is made by the actual restraint of the person, or by submission to the custody of an officer.²⁰⁵ The person arrested may be subject to such restraint as is reasonable for his arrest and detention. The sheriff wrote:

¹⁹⁶ Piccinini, Feb. 19 Letter.

¹⁹⁷ Sonoma County Sheriff's Department, Law Enforcement Division General Order 6-01, Use of Force, Aug. 1, 1997. The associated policies provided by the department include: Firearms Range Policy, 6-02, Feb. 22, 1993; Firearms Policy, 6-03, July 1, 1996; Carotid Restraint Policy, 6-04, June 1, 1993; Custody Control Belt Policy, 6-05, Oct. 23, 1995; Chemical Agents Policy, 6-06, Sept. 1, 1993; Maximum Restraint Policy, 6-07, Nov. 1, 1993; Use of Stinger Spike System Policy, 6-08, Aug. 24, 1995; Impact Weapons Policy, 6-09, Mar. 15, 1996; Pursuit of Vehicles Policy, 7-02, Mar. 10, 1994; and Saliva Projection Prevention Policy, 12-01, Sept. 15, 1993.

¹⁹⁸ Piccinini, Feb. 19 Letter. The public access areas include: the sheriff's main office, main adult detention facility, North County Detention Facility, Sonoma Valley Substation, Guerneville Substation, Windsor Police Department, Rosalind Community Oriented Policing Office, Helicopter/Search and Rescue Unit, Lake Sonoma Substation, Community Oriented Policing Program's Larkfield office, and the Domestic Violence/Sexual Assault Investigations Unit.

¹⁹⁹ *Ibid.*, sec. 5.

²⁰⁰ *Ibid.*, sec. 5.

²⁰¹ Final Report, 1996-1997.

²⁰² *Ibid.* California Penal Code § 832.5(b) 1999 provides: "Complaints and any reports or findings relating thereto shall be retained for a period of at least five years." The grand jury added, "While researching a complaint about an unenforced TRO, the Grand Jury visited the Sheriff's Department. During that visit, the Sheriff's staff was asked to show the Grand Jury a TRO on its computer system. A random TRO was selected by the Acting Sheriff. That randomly selected TRO did not show up on the Sheriff's computer system." Final Report, 1996-1997, p. 19.

²⁰³ Piccinini, Feb. 19 Letter.

²⁰⁴ April 1998 Supplemental Data.

²⁰⁵ Cal. Penal Code § 835 (1999).

Alternatively, the responsibility for a person being arrested is stated in California Penal Code Section 834a: If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.²⁰⁶

Sonoma County sheriff's deputies have incurred 218 injuries in the performance of their duties during this 5-year timeframe, and tragically, one of these was a deputy killed by a suspect.²⁰⁷

Calls for service, depending upon the actions of law enforcement personnel, suspect, or victim, may generate a commendation or a complaint. The Advisory Committee received two reports from the sheriff regarding the number of complaints. In the first, for the same 5-year period, there were 50 citizen complaints filed against deputies, with 15 (30 percent) resulting in a finding of sustained and 34 (68 percent) not sustained.²⁰⁸ In the second, for the same 5-year period, there were 46 complaints, with 12 (27 percent) sustained and 33 (72 percent) not sustained.²⁰⁹ The sheriff wrote:

This [latter] information amends and replaces the response submitted on February 20, 1998. In preparing the response, all Internal Affairs investigation reports were audited for the past five years. Discrepancies between the log (due to misinterpretation of terminology) and the actual reports were corrected.²¹⁰

Table 10 provides a breakdown of the number of calls for service and complaints for the 5-year period using data submitted by the sheriff. During the 5-year period, 34 deputies received disciplinary action for conduct-related issues resulting in 32 suspensions (41 percent), 1 demotion (3 percent), and 4 terminations (12 percent).²¹¹

The sheriff's department also tracked the numbers of thank you and commendation letters received on behalf of department personnel. For

the period 1994–1997, the department received 372 such letters, with 269 for deputies, 40 for detectives, 15 for clerical staff, 11 for dispatchers, 10 for correctional officers, and 27 for others in the department.²¹²

The sheriff's department has a Special Investigations Unit (SIU) dedicated to conducting internal affairs investigations and handling complaints from citizens. Sheriff Piccinini wrote that this unit is staffed full time with two sergeants, supervised by a lieutenant. The special investigations lieutenant reports to the administrative captain, who reports directly to the sheriff.²¹³

He said the SIU takes a proactive approach to addressing violations of policies and taking corrective action in all cases of employee misconduct. In the past 5 years, there have been 139 investigations completed, with 18 still pending at the time of the Advisory Committee's review. Of the investigations completed, 77 resulted in sustained findings and 62 were not sustained.²¹⁴ As a result, 32 employees were suspended, 3 demoted, 16 terminated, 21 received letters of reprimand, and 4 received letters of counsel.²¹⁵

According to the sheriff, accidental discharges of weapons occur rarely.²¹⁶ There were no accidental discharges of weapons by department personnel during 1993 or 1994. For the period 1995–1997 there were a total of four, with two in 1995 and one each in 1996 and 1997.²¹⁷ Disciplinary action was taken in three of the four incidents (1-day suspension each).²¹⁸

Although there have been five critical incidents involving deputies resulting in the death of a suspect,²¹⁹ the sheriff wrote that there have

²⁰⁶ April 1998 Supplemental Data. Also, Cal. Penal Code § 834a (1999).

²⁰⁷ Ibid.

²⁰⁸ Piccinini, Feb. 19 Letter.

²⁰⁹ April 1998 Supplemental Data.

²¹⁰ Ibid.

²¹¹ Piccinini, Feb 19 Letter, sec. 7. The text reported 32 suspensions; table D noted 15, with 13 letters of reprimand and 1 letter of counsel.

²¹² Ibid. The April 1998 Supplemental Data reported the same figures.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid. The April 1998 Supplemental Data reported the same figures.

²¹⁶ Ibid.

²¹⁷ Ibid. One of the accidental discharges in 1995 involved a handgun discharging as the deputy reholstered during a felony traffic stop. The injury was a flesh wound to the deputy's leg. The holster design was found to be faulty, and holsters of that make and model are no longer approved for use by any department member.

²¹⁸ Ibid.

²¹⁹ Ibid. The incidents were: Sept. 6, 1996, deputies responding to a disturbance call were confronted by a nude suspect high on methamphetamine. Deputies attempted to restrain the combative subject with pepper spray, control holds, and the canine unit. Paramedics arrived as he ceased

been no justifiable homicides by deputies or correctional officers in the Sonoma County Sheriff's Department within the past 5 years.²²⁰ This means that the deaths were not caused by a weapon being discharged by an officer.

Three of the five deaths reported above were at county jail facilities, which are maintained by the sheriff's department. According to community spokespersons, the deaths of inmates at these facilities have been troubling. The 1997-1998 Sonoma County Grand Jury investigated four deaths (two were suicides, two were drug withdrawal) in the main adult detention facility

breathing, and he was pronounced dead at the hospital of a methamphetamine overdose. The incident was investigated by the Santa Rosa Police Department and reviewed by the district attorney; Dec. 20, 1996, a male inmate at the main adult detention facility was found in his cell hanging from the top bunk. He was transported to Kaiser Hospital by paramedics, where he was pronounced dead. An autopsy conducted by the San Francisco medical examiner concluded the cause of death was anoxic encephalopathy due to asphyxia. The incident was investigated by the Santa Rosa Police Department, and a review by the district attorney determined that no criminal conduct occurred; Jan. 2, 1997, during a traffic stop for a vehicle violation, the motorist became aggressive toward the deputy. The deputy struck him on the chest with a flashlight, the suspect fell to the ground, got up and ran from the deputy into a flood-swollen creek. The suspect was found drowned the next day. The incident was investigated by the Santa Rosa Police Department and reviewed by the district attorney to assure that all law enforcement actions were within the law; June 4, 1997, a female inmate at the main adult detention facility was found unconscious and not breathing in her cell by custody staff. Attempts to revive her by medical staff and paramedics were unsuccessful, and she was pronounced dead. An autopsy conducted by the Alameda County Coroner's Office concluded that the cause of death was sudden death due to post-ictal respiratory failure, due to seizure, due to heroin withdrawal. The incident was investigated by the Santa Rosa Police Department, and final review by the district attorney's office was pending at the time of the Advisory Committee's review; and Nov. 3, 1997, a male inmate at the main adult detention facility was found unconscious in his cell by custody staff. Attempts to revive the inmate by custody and medical staff and paramedics were unsuccessful, and he was pronounced dead by the paramedics in contact with doctors at Sutter Hospital. An autopsy was conducted by an independent medical examiner at the Sonoma County Sheriff's Coroner's Office, and the cause of death was determined to be arrhythmic cardiac death due to morphine type alkaloid and methamphetamine toxicity. The incident was investigated by the Santa Rosa Police Department, and a review by the district attorney was pending at the time of the Advisory Committee's review. Ibid. In an April 18, 1998, followup correspondence, the sheriff provided information on two additional suicide deaths of inmates housed at the main adult detention facility, one on Feb. 24 and another on Mar. 9, 1998.

²²⁰ Piccinini Feb. 19 Letter, sec. 9.

which occurred between June 1997 and March 1998.²²¹ The grand jury found:

Many inmates who are on drugs deny their use on the medical booking sheet and intake medical personnel often do not document physical signs that indicate the inmate used drugs and could possibly experience withdrawal. There is no indication on the booking forms provided to [detention] correctional staff that an inmate is possibly in or will experience drug withdrawal. The medical booking sheet because of privacy protection is not available to correctional staff.

There is a notable lack of communication between medical and correctional staff. Infirmary and mental health units are not designed for adequate observation. For example, correctional officers do not have direct observation of the inmates. In some cases, the medical doctor did not see the inmates in a timely manner after incarceration even though the inmate refused to take prescribed drugs and there were signs of depression and drug withdrawal. Prescribed drugs were not delivered in a timely manner.²²²

According to the sheriff, the Sonoma County detention facilities have been found during the last several biennial inspections to be fully compliant with title 15 and title 24 regulations which govern the housing of inmates.²²³ The sheriff is also troubled by these deaths and told the Advisory Committee:

The death of an inmate in our facility causes us great anguish. Unfortunately, jail custody deaths are not unique to Sonoma County. Tragic as it is, custody deaths do occur throughout the State and throughout this Nation. In 1996 there were 95 county jail deaths throughout California. While custody deaths do occur, our department provides some of the highest quality detention services in this Nation and we go to great lengths to ensure the safety of our inmates.²²⁴

²²¹ Sonoma County Grand Jury, *Final Report, 1997-1998*, July 1998 (hereafter cited as *Final Report, 1997-1998*).

²²² *Final Report, 1997-1998*.

²²³ *Ibid.*, sec. 13. The State Board of Corrections noted that there are more than 135 county adult detention facilities in the State, and according to the sheriff, in its most recent audit report noted that only 16 were found to be fully compliant. Two of those facilities are in Sonoma County.

²²⁴ Transcript, 1998, p. 51. Sonoma County detention facilities are referred to as direct supervision facilities, a concept that began in 1987.

IV. Conclusion

The Advisory Committee believes that effective policing is a partnership between a community and law enforcement. Denying the legitimate concerns of either half of this alliance imperils effectiveness of the already fragile partnership. Police departments should not marginalize the individuals or organizations within their communities who voice their concerns about the type of policing being provided. This input can be a basis for constructive change for those departments with the wisdom to see its value.

Since we entrust police officers with certain privileges, including the use of deadly force, in order for them to perform their role, it is the right and responsibility of citizens to protest police practices they view as unwarranted, unnecessary, or a gross abuse of discretionary authority. We provide police officers with the responsibility to enforce the laws and protect individuals and property. We do not grant them the authority to be arrogant or to abuse this trust. For a law enforcement department to view citizen concerns about police practices as a threat makes a mockery of this trust, and the consequences are community fear, ineffective policing, and deteriorating police-community relations.

During its inquiries, the Advisory Committee would periodically hear references to the policing community. The Advisory Committee believes there is no such thing as a policing community. Neither are there secretarial, sanitation worker, nor chief executive officer communities. These individuals carry out work-related tasks within the greater community of which we are all a part. Law enforcement command, sworn officers, and other police department employees must realize that they are part of the greater community as well, and many have shown this through their volunteerism. However, when they separate from the greater community to protect individual officers who have transgressed they also become part of the problem. While cognizant of individual rights, we must all ask what can be

done to remedy a situation, not place blame, or protect a transgressor. There can be no us or them, but only we.

Throughout the course of the Advisory Committee's inquiries, the Commission's Western Regional Office received testimonials from individuals and organizations praising the community activities of the police departments and the involvement of individual officers in formal and informal volunteer situations in the schools, school extracurricular activities, and community organizations. While appreciative of these comments, the Advisory Committee notes that its study was not an affirmation of community involvement. While their participation is laudable, members of law enforcement do not have a monopoly on community involvement, nor was volunteerism the focus of the Advisory Committee's inquiry. The focus was departmental policies and methods of enforcement.

The Advisory Committee is appalled at the number of deadly incidents, justified or not, that have occurred within 25 months. The Advisory Committee agrees with community spokespersons who said that the number of events should be cause for alarm for all citizens of the county. While the officers were found to have followed proper procedures, the Advisory Committee questions whether alternatives to deadly force may have effected peaceful resolutions to the incidents and encourages the county sheriff and chiefs to review their training and procedures for such options. At a minimum, the departments must adopt policies and train officers to have the attitude that deadly force is the option of last resort. If they do not, the community is obligated to continue its efforts for reform of a system they believe requires drastic change.

Without commenting on the adequacy of the district attorney's investigation of critical incidents, the Advisory Committee believes the district attorney has acted legally within his mandate to review incidents of deadly use of force by a police officer. Sometimes, however, it is diffi-

cult to see the forest for the trees. Although each case was investigated as a unique episode, some community representatives believe a pattern was manifest and some do not believe the district attorney's investigations were independent of law enforcement. These investigations, whether independent or relying on law enforcement, were not enough to build community trust in the process. The district attorney was within his rights to find individual cases to be justifiable homicide or within proper procedural guidelines if the facts led his office to that conclusion. However, the district attorney should listen to the concerns of the community which has significant questions about the nature of the process and what may reasonably be communicated on an ongoing basis to the public without divulging critical and sensitive information. The community deserves to know that the process is fair and impartial.

The Advisory Committee believes that the office of the county district attorney should review its protocols for involvement in critical incidents and domestic violence to ensure that it remains separate from law enforcement and relies on its own investigations for complete information before any determination of potential action.

During their efforts for constructive change of law enforcement, the community believed elected officials abrogated their responsibility for oversight of the various police departments by often suggesting that complainants discuss their concerns directly with law enforcement officials. While this may be a valid suggestion when the Department of Public Works or another municipal department is involved, elected officials must demand accountability from police departments. Some elected officials believed they had limited oversight and felt frustrated. As elected representatives of the community, good governance requires that they question, probe, initiate proposals for discussion, and follow through on community concerns regarding law enforcement.

The Advisory Committee found a lack of gender and language diversity among the law enforcement entities it reviewed. There is also negligible representation of gender and language diversity in the upper levels of the command structures. The Advisory Committee believes that the departments must initiate an aggressive outreach and recruitment strategy and increase programs for the retention and promotion of under-represented groups within their organizations.

The Advisory Committee agrees with community spokespersons that increasing cultural and gender diversity in recruitment, hiring, and training, particularly for the Sonoma County Sheriff's Department and the larger law enforcement departments in Rohnert Park and Santa Rosa, is important. The Advisory Committee believes that such efforts may not only increase sensitivity to all segments of the community but assist in diffusing certain incidents. Departments cannot ignore the human resources within the communities they serve.

While recognizing the present community policing efforts and some successes of law enforcement, the Advisory Committee challenges these departments to build on this foundation for greater police-community relations. At the time of its study, the Advisory Committee found a lack of community trust, inadequate accountability, problems with enforcement in domestic violence situations, and a perception of disinterest in complaint handling.

The Advisory Committee now addresses the question of whether a countywide civilian review board is necessary in Sonoma. It is clear that the level of fear and distrust of law enforcement for certain members of the community is high and there exists great skepticism of police ability to investigate fairly complaints and critical incidents. Based upon the presentations and its inquiries, the Advisory Committee is not inclined to support one civilian review board for the county, nor would it encourage the use of the grand jury for this purpose. What is clear to the Advisory Committee is that significant to the process of formulating, creating, and implementing a civilian review board is widespread dialogue involving all segments of the community. There cannot be a patterned review board that will fit all the dynamics of Sonoma County. Each jurisdiction will have to consider whether its law enforcement realities require the creation of a review board and, if so, formulate the review board that best reflects its needs.

The Advisory Committee believes for certain law enforcement jurisdictions in Sonoma County the need for a civilian review board presently exists and recommends that this significant dialogue begin. The Advisory Committee cannot support any proposal from the Chief's Association for a one-size-fits-all civilian review board.

V. Recommendations

Effective police-community relations requires ongoing communication and the willingness for all parties to listen, agree or disagree civilly, and compromise. The Advisory Committee offers these recommendations in an effort to foster the dialogue among community representatives, elected officials, and law enforcement in Sonoma County and to assist in the elimination of the community polarization found during its study.

Employment

The Advisory Committee found that the racial composition of the different law enforcement agencies generally reflects the population of Sonoma County. However, these statistics are based on the 1990 census whose data are now more than 9 years old. The Advisory Committee found negligible representation of race, gender, and language diversity at middle and upper levels of the departments.

Recommendation 1.1 The departments must continue efforts to increase gender and ethnic diversity within their ranks.

Recommendation 1.2 The departments must increase efforts to add language diversity personnel to their sworn and civilian ranks.

Training

Although all departments offered training on cultural diversity and domestic violence, and some provided training in dealing with suspects under the influence of drugs or alcohol, the Advisory Committee found the training to be limited in scope and hours.

Recommendation 2.1 The departments should increase training on cultural diversity using a broad-based, unified, and comparative approach.

Recommendation 2.2 The departments should increase training in the handling of domestic violence situations.

Recommendation 2.3 The departments should increase training in the handling of sus-

pects who may be experiencing a psychiatric, drug, or alcohol episode.

Recommendation 2.4 The departments should increase training to assist officers in diffusing situations and de-escalating violence. The departments should encourage and expand the use of mediation techniques.

Recommendation 2.5 City officials should ensure commitment from law enforcement command structure for alternatives to the use of deadly force and provide resources to the departments for implementation.

Recommendation 2.6 The departments should continue and expand the citizen academies to increase the awareness of the role and realities of modern policing among community members.

Critical Incident Investigations

The Advisory Committee found a community that did not trust law enforcement investigations of use of force incidents and whose perception was that district attorney investigations were not independent. It is imperative that an independent review be conducted of each critical incident involving deadly force by a law enforcement officer.

Recommendation 3.1 The Sonoma County Board of Supervisors and individual city councils should make it mandatory that a noninvolved police agency do the investigation of a critical incident anywhere in the county.

Recommendation 3.2 The Office of the District Attorney should ensure that it does its own investigation of all critical incidents.

Complaints

The Advisory Committee found the community had lost confidence in the complaint process offered citizens by the law enforcement departments. Although each department has a commendation and complaint pamphlet/form, it was unclear whether these were readily available.

The community perception was that filing a complaint was intimidating, discouraged, and if filed, the process took significant time and did not lead to satisfactory resolution. The departments provided data which demonstrated that sanctions had been imposed on officers found to have transgressed.

Recommendation 4.1 All departments must ensure that complaint and commendation forms are available at all times and can be easily found.

Recommendation 4.2 To eliminate the perception of intimidation, the law enforcement unit receiving complaints should be housed in a separate location away from the department's headquarters.

Recommendation 4.3 A civilian employee of the department should be the individual who initially receives the complaint.

Recommendation 4.4 The Office of the District Attorney should publicize that it also will receive complaints regarding law enforcement.

Recommendation 4.5 Complaints should be investigated in a timely fashion, and periodic reports to the complainant noting the status should be made.

Recommendation 4.6 The final report to the complainant should be as detailed as possible within personnel, privacy, and legal guidelines.

Recommendation 4.7 The departments should establish a victim assistance position to track the status of domestic violence allegations and case progress and to ensure that all applicable laws, including mandatory arrest (if a temporary restraining order is violated) are being enforced.

Recommendation 4.8 The members of municipal city councils and the Sonoma County Board of Supervisors should increase their oversight of the law enforcement entities representing their cities and the county, respectively.

Policy Issues

The various law enforcement departments have numerous policies and procedures for their operations and for handling diverse situations. The Advisory Committee heard allegations that some of these policies, in particular those aimed at domestic violence, were not always followed. The Advisory Committee believes those advocates who alleged that domestic violence calls

required greater sensitivity and strict adherence to the law.

The number of police shootings indicates that the polices on use of force should be revisited to incorporate mediation techniques and less violent methods of resolving a critical incident.

Recommendation 5.1 Departments should review internal policies regarding domestic violence perpetrated by a law enforcement officer to ensure compliance with applicable law and to avoid the appearance of a conflict of interest. This should not be an internal affairs matter.

Recommendation 5.2 The Office of the District Attorney should consider the adoption of a policy regarding police officers charged with and convicted of domestic violence.

Recommendation 5.3 The departments should review their use of force policies to expand the use of alternatives to deadly force in appropriate situations.

Recommendation 5.4 The Sonoma County Sheriff's Department should review and revise its sexual harassment policy to eliminate the double jeopardy reporting feature that currently negatively affects its female officers.

Recommendation 5.5 The sheriff's department, with the input of the Sonoma County Law Enforcement Chiefs Association, should establish a special unit to respond countywide to situations where the suspect or victim may be experiencing a psychiatric episode.

Recommendation 5.6 The Chiefs Association should consider the addition of at least one non-law enforcement community member to its organization.

Review Board

The Advisory Committee recommends that the various municipalities in Sonoma County begin the dialogue to determine if their jurisdiction requires the creation of a civilian review board. The dialogue should be inclusive of all citizens and each community can consider the appropriateness and merits of such an entity and the elements that are required to ensure success. While each community needs to decide whether to have a review board and how it should operate, certain characteristics are necessary for its success.

The Advisory Committee does not believe that a countywide board will suffice nor should the grand jury, due to its association with the

office of the district attorney and its closed door meetings, be used as the vehicle for civilian review of law enforcement.

Recommendation 6.1 The Advisory Committee believes that the cities of Rohnert Park and Santa Rosa and the county sheriff require the immediate creation of civilian review boards.

Recommendation 6.2 The Advisory Committee does not believe that the grand jury is the appropriate body to act as a civilian review board for the county or for individual jurisdictions.

Recommendation 6.3 The Advisory Committee recommends that among their characteristics the civilian review boards created should have budgetary independence, separate office locations, conduct independent investigations, have the power to compel police officer testimony, provide an appeal process, and report directly to elected officials and the community in open session.

Appendix A

Observations of the State Advisory Committee Hearing on Police-Community Relations in Sonoma County, February 20, 1998

Commissioner Yvonne Lee

Even before the day of the hearing, it was evident that there was a strong divide between local law enforcement and community organizations. While community groups stressed the need for an independent commission to come in and facilitate discussions around police-community relations, law enforcement made it equally clear that we were not welcome, not necessary, and not wanted in Sonoma County.

While the Commission has held hearings in many instances where the two sides do not see eye to eye on the issues, there has rarely been, in my experience, a situation so polarized such as Sonoma County where one side so vehemently denies that there is a problem at all. Even given the abnormally high number of police-involved deaths in recent years, given the strong regional reaction to the killing of Mr. Kuan Chung Kao by the Rohnert Park Public Safety Department, and given the overwhelming turnout of concerned citizens on the day of the hearing, local law enforcement continued to paint a peaceful picture of police-community that defied all belief. Instead of using the hearing as an opportunity to candidly respond to issues and concerns of the community, local law enforcement chose to raise a blue shield in defense and deny that any such problems existed at all. And yet, as my colleague the Honorable Cruz Reynoso noted, I have rarely walked into a situation where I felt the relations were as tense.

The members and supporters of law enforcement went so far as to pack the hearing room with supporters wearing yellow buttons to the exclusion of any other voices. While dozens of community members representing other viewpoints were forced to wait downstairs, many

supporters of law enforcement refused to comply with the Commission's request to yield their seats in turn so that we could have a complete and balanced perspective. Even while Sheriff Jim Piccinini boasted about the richness of the diversity of Sonoma County, I could see few of those diverse faces represented among the ranks of law enforcement or present in the hearing room. A true democracy does not claim success simply by silencing those who do not agree.

As I listened to the brief statements of community members towards the end of the hearing, including police officers, community leaders, families of alleged victims of police brutality, families of police officers, and other concerned citizens, it was clear to me that there was a tremendous gap between the police and the community in communication and trust. Whether or not the police are doing a good job in Sonoma County, it is clear that there are large segments of the community who do not feel—rightly or wrongly—that Sonoma County law enforcement exists to serve and protect them. Whether or not the particular police-involved deaths were justified, the investigations and procedures followed by law enforcement following the deaths have clearly not served to bring closure and a sense of justice to the community.

To treat a patient, a doctor must first diagnose the illness. Similarly, to heal a community, all groups must first acknowledge the rift that has grown between them. Before there can be serious efforts to improve police-community relations, the law enforcement community needs to come to the table as a willing and sincere partner, open to recognizing concerns and viewpoints which may be different from its own.

Appendix B

Police Abuse: Can We Change the Culture?*

Vice Chair Cruz Reynoso

How can it be? Police officers across the nation and certainly in Los Angeles are trained to serve and to help others. And they do with great distinction. They protect our important civil right to safe neighborhoods. Yet, in my 40 years as a lawyer, professor, judge, and government official, the civil rights violation I most often hear is that of police abuse. Last month's revelation that an LAPD officer confessed to the shooting and framing of an innocent man is one of the latest such local incidents. Can we make sense of all of this?

My recent experiences as Vice Chair of the United States Commission on Civil Rights begin to suggest what needs to be done. The California State Advisory Committee of the Commission responded to community and religious groups in Sonoma County regarding the killing of several young men by various police departments in the county. It held an all day hearing in February of [1998]. As I heard witnesses, I was struck by two distinct sets of views. First, we heard from the officials—mayors, councilpersons, police chiefs, and the district attorney. Uniformly, their reports were of a community in harmony with few problems of police abuse. For example, the Sonoma County District Attorney reported that his office had investigated every police officer involved killing and found no criminality, while the police chief of Santa Rosa testified that the city's surveys indicated that 82–85 percent of residents approved of their police departments.

Then we heard from dozens of citizens. Countless witnesses, some speaking for themselves, most speaking for their religious or community groups expressed concern for the killings and general interaction between police and residents, particularly police abuse. It was as if there were two Santa Rosas and two Sonoma Counties.

Change scenes but not, as it turns out, the substance. Recently, the United States Commission on Civil Rights held hearings in Manhattan [New York City]. The recent brutal sodomizing of a New York City resident by the police had captured headlines. Again, I heard the mayor, the police commissioner, and other high officials present a vigorous defense of the quality of police-community relations in New York City. Police abuse, they testified, is rare and random. Once more, I heard innumerable residents, including well-known religious leaders speak to the horrors that the people they represent have suffered at the hands of the local police.

These hearings, I believe, begin to explain the phenomenon. Under our democratic system public officials are elected by majority vote. They must respond to a majoritarian view. What incentive is there to examine deeply the afflictions of 15 or 18 percent who may suffer at the hands of the police? Not much. To respond to these few brings its own political risks. These, generally, represent those who do not wield economic or political power. Nor do those who suffer abuse generally share the same social circles or color or linguistic background of elected officials.

There is no easy answer. What holds the diverse peoples of the United States together is shared culture found in our Constitution. One basic principal is that public officials, though elected by 51 percent of the vote, have a responsibility to all residents, voters or not (children do not vote), citizens or not. The Constitution protects us all.

Public officials must truly get to know who it is they represent. It would not have been a shock to public officials that Rodney King was treated roughly, had those officials been close to the communities they represent. Based on my experience I was neither shocked nor surprised.

The long term, but challenging answer, is to create a culture, an expectation by all Americans, that public officials have the high moral and constitutional duty to represent all their

* This is a copy of an original version of Commissioner Reynoso's editorial. An edited version of the editorial appeared in the *Los Angeles Times* on Oct. 7, 1999.

constituents. Culture and expectations can change—these changes would benefit all Americans.

The best response to police abuse is also long term. A culture change must take place. I have no doubt that more than 99 percent of officers would not steal cocaine or frame an innocent man. But upon hearing that a fellow officer might have been involved in abusive or criminal behavior, how many would act? The Rodney King incident is instructive. What bothered me deeply was that present during the beating were more than a dozen officers representing several police organizations. Ninety-nine percent of officers would not administer such a brutal beating. But, none who was present viewed the beating as absolutely unacceptable. There was no personal admonition on a one-to-one basis, nor were there reports to superiors. There appears to be a police culture that accepts malfeasance. That culture must change.

Meanwhile, what do we do? Our democracy recognizes that governmental power must be tempered. I am encouraged that the LAPD has responded to the Raphael A. Perez incidents—12 officers relieved of duty and, importantly, one captain cited for failure to supervise. These, and the internal investigation, are steps toward changing the culture. More needs to be done.

In the short run, I believe we should have an office, independent of the district attorney, to both investigate and prosecute police abuse. Such an office would cultivate change. Our experience tells us that an elected prosecutor will act with reluctance, conscious of the political drawbacks. The public may lack confidence in a purely internal police investigation. The United States Commission on Civil Rights made such a recommendation earlier this year as part of its report on the Los Angeles hearings.** Will it work? I think so. Time and earnest enforcement will tell!

** U.S. Commission on Civil Rights, *Racial and Ethnic Tensions in American Communities: Poverty, Inequity, and Discrimination, Volume V: The Los Angeles Report*, May 1999.

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