

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 6 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

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.

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

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

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

⁸⁶ Transcript, 1998, p. 9.

⁸⁷ Ibid., p. 109.

⁸⁸ Final Report, 1996-1997.

⁸⁹ Transcript, 1998, p. 42.

⁹⁰ Ibid., p. 66.

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

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.

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

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 ongoing. 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:

¹⁶⁵ Ibid., p. 16.

¹⁶⁶ Ibid., p. 21.

¹⁶⁷ Ibid., p. 188.

¹⁶⁸ Ibid., p. 174.

¹⁶⁹ Ibid., p. 150.

¹⁷⁰ 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 Chiefs 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 Chiefs 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 Chiefs 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 Chiefs 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."¹⁹⁶ 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:

¹⁹⁶ Ibid.

¹⁹⁶ Ibid., p. 17.

¹⁹⁷ Ibid., p. 74.

¹⁹⁸ Ibid., pp. 74-76.

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.