

IV. Conclusion

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

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

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

of individual rights, we must all ask what can be done to remedy a situation, not place blame, or protect a transgressor. There can be no us or them, but only we.

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

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

Without commenting on the adequacy of the district attorney's investigation of critical incidents, the Advisory Committee believes the district attorney has acted legally within his man-

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

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

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

The Advisory Committee found a lack of gender and language diversity among the law enforcement entities it reviewed. There is also negligible representation of gender and language diversity in the upper levels of the command structures. The Advisory Committee believes that the departments must initiate an aggressive outreach and recruitment strategy and increase pro-

grams for the retention and promotion of under-represented groups within their organizations.

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

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

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

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

V. Recommendations

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

Employment

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

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

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

Training

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

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

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

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

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

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

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

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

Critical Incident Investigations

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

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

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

Complaints

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

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

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

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

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

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

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

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

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

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

Policy Issues

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

required greater sensitivity and strict adherence to the law.

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

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

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

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

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

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

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

Review Board

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

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

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

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

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

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