

III. Law Enforcement Departments

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

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

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

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

tained); 28 against the Rohnert Park Public Safety Department (8 sustained); 9 against Petaluma (0 sustained); 2 against Healdsburg (1 sustained); 9 against Sebastopol (0 sustained); 7 against Cotati (5 sustained); 1 against Sonoma (0 sustained); and 1 against the Cloverdale Police Department (0 sustained).⁴ Between January 1996 and May 1997, the grand jury received 39 complaints against law enforcement agencies in Sonoma County.⁵

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

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

The Advisory Committee forwarded letters to the individual chiefs and the county sheriff requesting information and data about their departments for the period January 1993 to Feb-

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

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

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

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

⁵ Final Report, 1996-1997.

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

ruary 1998.⁷ The time period was modified to July 1997 through December 1997 for arrest data. This chapter provides a summary of the data submitted in response.

Cloverdale

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

Cotati

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

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

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

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

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

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

⁷ U.S. Commission on Civil Rights, California Advisory Committee, letters to: Chief Robert Dalley, Cloverdale Police Department, Feb. 12, 1998; Chief Robert Stewart, Cotati Police Department, Feb. 12, 1998; Chief Rick Alves, Healdsburg Police Department, Feb. 12, 1998; Chief Patrick Parks, Petaluma Police Department, Feb. 12, 1998; Chief Pat Rooney, Rohnert Park Department of Public Safety, Feb. 12, 1998; Chief Michael Dunbaugh, Santa Rosa Police Department; Chief Dwight Crandall, Sebastopol Police Department, Feb. 12, 1998; Chief John P. Gurney, City of Sonoma Police Department, Feb. 12, 1998; and Sheriff Jim Piccinini, Sonoma County Sheriff's Department.

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

⁹ McCormack Guide.

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

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

¹² Cotati Response.

¹³ Ibid.

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

¹⁵ Cotati Police Department, Policy and Procedure Manual.

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

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

At times, individuals allege that police officers harass members of the community and charge them with resisting arrest when they at-

tempt to assert their rights. Although the Advisory Committee did not hear such a complaint leveled at the Cotati department, it requested data from all the departments that would assist in determining the extent of such arrests. During the period July 1997 through February 1998, the Cotati Police Department recorded 14 arrests for resisting arrest, providing false information to a peace officer, and/or battery on a peace officer. Twelve of the reports resulted in charges being brought against the suspects, 1 case was rejected, and the disposition of the remaining case was reported as unknown. During the 5-year period, the department reported no accidental discharges of weapons by officers of the Cotati police force.

Healdsburg

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

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

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

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

¹⁷ *Ibid*.

¹⁸ *Ibid*.

¹⁹ *Ibid*.

²⁰ McCormack Guide.

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

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

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

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

The city council passed a resolution on December 15, 1975, establishing an affirmative action program²⁸ and designated the city manager as affirmative action coordinator.²⁹ The council also adopted a policy against discrimination and harassment in the workplace.³⁰ The department has received one complaint alleging that it discriminated against a prior employee based on

disability,³¹ and it remained unresolved at the time of the Advisory Committee's factfinding meeting. Through April 17, 1998, no employee grievances had been filed against the department.

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

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

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

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

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

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

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

³¹ Healdsburg Response.

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

³³ Harvey Letter.

³⁴ Healdsburg Response.

³⁵ Ibid.

³⁶ Ibid.

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

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

weapons by a Healdsburg police officer was reported for the period under review. Mayor Harvey wrote:

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

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

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

Petaluma

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

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

Spanish speaking, including four patrol officers. The six community service officers are all white (five females, one male).

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

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

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

According to Chief Patrick T. Parks, the Petaluma Police Department maintains compli-

³⁹ Harvey Letter.

⁴⁰ McCormack Guide.

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

⁴² Petaluma Response.

⁴³ Ibid.

⁴⁴ Ibid.

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

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

⁴⁷ Petaluma Response.

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

⁴⁹ Ibid.

ance with the continuing professional training requirements of POST. He wrote:

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

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

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

complainants by letter, 2 in person and letter; 2 complainants were not contacted; and 5 methods of notification were unknown.⁵⁶ Six officers were disciplined for conduct-related matters in 1997, with four receiving written reprimands and two suspended for a total of 60 hours.⁵⁷

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

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

Rohnert Park

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

⁵⁰ Ibid.

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

⁵² Ibid.

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

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

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

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

⁶¹ McCormack Guide.

Rohnert Park reported 60 sworn public safety officers and line command as of March 11, 1998, including: 56 males (93.3 percent); 4 females (6.6 percent); 50 whites (83.3 percent); 1 black (1.6 percent); 3 Hispanics (5 percent); 5 Asian/Pacific Islanders (8.3 percent); and 1 Native American/Alaska Native (1.6 percent).⁶² Only one public safety officer was bilingual in Spanish. The department also reported 22 full-time positions and 2 half-time positions as nonsworn staff including: 4 community service officers (1 white male, 1 Hispanic male, 2 white females); 1 white male evidence and property specialist; 3 white female secretaries; 1 white female records supervisor; 10 dispatchers (7 white females, 1 Hispanic female, 2 white males); 3 white female office assistants; 1 white female evidence technician/property specialist; 1 Hispanic female public safety clerk; and 4 youth and family services staff (1 white male, 3 white females).⁶³

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

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

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

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

⁶⁵ Rohnert Park Response.

The department provides, on average, 450 hours of in-house training annually, and each public safety officer receives approximately 120 hours of police-related in-house training each year.⁶⁶ Although POST requires ongoing training and 24 hours of advanced officer training biannually for a myriad of topics, the Rohnert Park department exceeds the recommendations in most categories. The department provides 2-4 hours of biannual training in domestic violence, 12 hours annually in use of force, 1 hour annually in sexual harassment, 12 hours annually in firearms qualification, 4 hours in cultural diversity, 2 hours in critical incident scene management, 6 hours in verbal judo, and 12 hours in critical incident stress management.⁶⁷ Nonsworn personnel classified as dispatchers and community services officers receive 24-32 hours of ongoing inservice training annually. According to the department's response, domestic violence is one of the department's "threshold policies" and must be reviewed on a regular basis during shift briefings.⁶⁸

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

⁶⁶ Ibid. Sgt. Rosengren provided information regarding training.

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

⁶⁸ Ibid.

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

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

⁷¹ Internal Investigation Policy, pp. 4-5.

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

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

SOURCE: Rohnert Park Department of Public Safety, 1998.

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

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

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

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

Santa Rosa

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

⁷² Rohnert Park Response.

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

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

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

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

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

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

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

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

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

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

⁷⁸ McCormack Guide.

⁷⁹ Ibid.

⁸⁰ Saari Supplement.

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

⁸² *Executive Summaries*, p. 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁸⁹ Wright Letter.

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

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

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

⁹³ *Ibid.*, book 1, tab 3, p. 7.

⁹⁴ December 1998 Supplemental Report.

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

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

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

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

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

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

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

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

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

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

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

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

and ongoing training throughout a sworn officer's career.

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

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

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

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

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

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

¹⁰⁹ Wright Letter.

¹¹⁰ December 1998 Supplemental Report.

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

¹⁰² Ibid., book 3, tab 7.

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

¹⁰⁴ Ibid.

¹⁰⁵ Ibid., book 3, tab 10.

¹⁰⁶ Ibid., book 3, Educational Statistics.

¹⁰⁷ Ibid.

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

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

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

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

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

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

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

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

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

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

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

Chief Dunbaugh wrote:

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

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

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

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

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

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

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

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

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

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

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ December 1998 Supplemental Report.

¹¹⁶ Executive Summaries.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, book 3, tab 19.

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

¹²⁰ *Ibid.*, book 3.

¹²¹ Wright Letter.

¹²² *Ibid.*, book 3, tab 24.

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

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

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

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

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

Sebastopol

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

¹²³ December 1998 Supplemental Report.

¹²⁴ Santa Rosa Response.

¹²⁵ McCormack Guide.

¹²⁶ Ibid.

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

¹²⁸ Ibid.

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

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

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

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

¹³⁰ Ibid.

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

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

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

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

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

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

¹³² Sebastopol Response.

¹³³ Personnel Resolution.

¹³⁴ Sebastopol Response.

¹³⁵ Ibid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁴³ Sebastopol Response.

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

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

¹⁴⁶ 1996 Annual Report.

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

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

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

¹⁵⁰ Ibid.

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

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

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

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

Sonoma

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

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

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

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

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

¹⁵¹ Ibid.

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

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

¹⁵⁴ McCormack Guide.

¹⁵⁵ Ibid.

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

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

¹⁵⁷ Sonoma Response.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

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

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

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

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

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

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

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

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

¹⁶² Ibid.

¹⁶³ Ibid.

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

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

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

¹⁶⁷ Sonoma Response.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

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

Windsor

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

Sonoma County Sheriff's Department

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

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

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

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

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

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

¹⁷³ Sheriff Response.

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

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

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

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

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

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

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

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

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

¹⁷⁸ Transcript, 1998, p. 52.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁸² Ibid.

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

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

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

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

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

¹⁸⁰ Transcript, 1998, p. 117.

¹⁸¹ Piccinini, Feb. 19 Letter.

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

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

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

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

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

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

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

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

¹⁸⁹ Piccinini, Feb. 19 Letter.

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

¹⁹¹ *Ibid.*

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

¹⁹³ *Ibid.*, sec. 12.

¹⁹⁴ *Ibid.*

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

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

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

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

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

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

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

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

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

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

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

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

¹⁹⁶ Piccinini, Feb. 19 Letter.

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

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

¹⁹⁹ *Ibid.*, sec. 5.

²⁰⁰ *Ibid.*, sec. 5.

²⁰¹ Final Report, 1996-1997.

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

²⁰³ Piccinini, Feb. 19 Letter.

²⁰⁴ April 1998 Supplemental Data.

²⁰⁵ Cal. Penal Code § 835 (1999).

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

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

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

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

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

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

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

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

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

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

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

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

²⁰⁷ Ibid.

²⁰⁸ Piccinini, Feb. 19 Letter.

²⁰⁹ April 1998 Supplemental Data.

²¹⁰ Ibid.

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

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

²¹³ Ibid.

²¹⁴ Ibid.

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

²¹⁶ Ibid.

²¹⁷ Ibid. One of the accidental discharges in 1996 involved a handgun discharging as the deputy reholstered during a felony traffic stop. The injury was a flesh wound to the deputy's leg. The holster design was found to be faulty, and holsters of that make and model are no longer approved for use by any department member.

²¹⁸ Ibid.

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

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

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

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

²²⁰ Piccinini Feb. 19 Letter, sec. 9.

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

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

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

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

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

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

²²² *Final Report, 1997-1998*.

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

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