

Community Concerns about Law Enforcement in Sonoma County

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

May 2000

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

V. Recommendations

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

Employment

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

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

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

Training

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

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

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

Recommendation 2.3 The departments should increase training in the handling of suspects who may be experiencing a psychiatric, drug, or alcohol episode.

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

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

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

Critical Incident Investigations

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

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

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

Complaints

The Advisory Committee found the community had lost confidence in the complaint process offered citizens by the law enforcement departments. Although each department has a commendation and complaint pamphlet/form, it was unclear whether these were readily available. The community perception was that filing a complaint was intimidating, discouraged, and if filed, the process took significant time and did not lead to satisfactory resolution. The departments provided data which demonstrated that sanctions had been imposed on officers found to have transgressed.

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

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

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

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

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

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

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

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

Policy Issues

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

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

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

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

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

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

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

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

Review Board

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

The Advisory Committee does not believe that a countywide board will suffice nor should the grand jury, due to its association with the office of the district attorney and its closed door meetings, be used as the vehicle for civilian review of law enforcement.

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

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

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

Appendix A

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

Commissioner Yvonne Lee

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

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

The members and supporters of law enforcement went so far as to pack the hearing room with supporters wearing yellow buttons to the exclusion of any other voices. While dozens of community members representing other viewpoints were forced to wait downstairs, many supporters of law enforcement refused to comply with the Commission's request to yield their seats in turn so that we could have a complete and balanced perspective. Even while Sheriff Jim Piccinini boasted about the richness of the diversity of Sonoma County, I could see few of those diverse faces represented among the ranks of law enforcement or present in the hearing room. A true democracy does not claim success simply by silencing those who do not agree.

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

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

Appendix B

Police Abuse: Can We Change the Culture?

Vice Chair Cruz Reynoso

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

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

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

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

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

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

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

The long term, but challenging answer, is to create a culture, an expectation by all Americans, that public officials have the high moral and constitutional duty to represent all their constituents. Culture and expectations can change—these changes would benefit all Americans.

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

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

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

Will it work? I think so. Time and earnest enforcement will tell!