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CALIFORNIA ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS

---OOO---

In Re:)
POLICE PRACTICES AND POLICE-COMMUNITY)
RELATIONS IN SONOMA COUNTY)

**CERTIFIED
COPY**

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Justice Joseph A. Rattigan State Building
50 D Street
Conference Room 410
Santa Rosa, California

Friday, February 20, 1998

Hon. FERNANDO HERNANDEZ, Ph.D., Chairperson

Reported by: LUEL J. SIMSON, CSR No. 4720

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A P P E A R A N C E S

U.S. Commission on Civil Rights

Hon. CRUZ REYNOSO
Vice-Chairperson

YVONNE LEE
Member

California Advisory Committee

Hon. FERNANDO HERNANDEZ, Ph.D.
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PROCEEDINGS

9:00 a.m.

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MR. HERNANDEZ: Good morning. This meeting of the California Advisory Committee to the United States Commission on Civil Rights will now come to order.

I am Fernando Hernandez, Chairperson of the California Advisory Committee to the United States Commission on Civil Rights. The U.S. Commission on Civil Rights is an independent, bipartisan fact-finding agency first established under the Civil Rights Act of 1957.

The Commission on Civil Rights is an independent agency of the United States government established by Congress in 1957 and directed to:

One: Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap or national origin or by reason of fraudulent practices;

Two: Study and collect information concerning legal developments constituting discrimination or denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;

Three: Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws;

1 Four: Serve as a national clearinghouse for
2 information about discrimination and;

3 Five: Submit reports, findings, and
4 recommendations to the President and Congress.

5 Advisory Committees were established in each state
6 and the District of Columbia, in accordance with enabling
7 legislation and the Federal Advisory Committee Act, to
8 advise the Commission on matters pertaining to
9 discrimination or denials of equal protection of the laws
10 because of race, color, religion, sex, national origin, age,
11 handicap or in the administration of justice and to aid the
12 Commission in its statutory obligation to serve as a
13 national clearinghouse for information on those subjects.

14 Commission regulations call for each Advisory
15 Committee to:

16 One: Advise the Commission in writing of any
17 information it may have respecting any alleged deprivation
18 of citizens' rights to vote and to have the vote counted by
19 reason of color, race, religion, sex, national origin, age,
20 or disability, or that citizens are being accorded or denied
21 the right to vote in Federal elections as a result of
22 patterns or practices of fraud or discrimination;

23 Two: Advise the Commission concerning legal
24 developments constituting discrimination or a denial of
25 equal protection of the laws under the Constitution because
26 of race, color, religion, sex, national origin, age or

1 disability or in the administration of justice; and as to
2 the effect of the laws and policies of the Federal
3 government with respect to equal protection of the laws;

4 Three: Advise the Commission upon matters of
5 mutual concern in the preparation of reports and the
6 Commission -- reports of the Commission to the President and
7 the Congress;

8 Four: Receive reports, suggestions and
9 recommendations from individuals, public and private
10 organizations, and public officials about matters pertinent
11 to inquiries conducted by the State Advisory Committee;

12 Five: Initiate and forward advice and
13 recommendations to the Commission about matters that the
14 Advisory Committee has studied; and

15 Six: Assist the Commission in the exercise of its
16 clearinghouse function.

17 The purpose of the meeting today is to obtain
18 information and views on law enforcement policies, practices
19 and procedures in Sonoma County. Participants in today's
20 fact finding forum have been requested to address the
21 following issues:

22 Law enforcement's policies, practices and
23 procedures in Sonoma County;

24 Community concerns regarding the administration of
25 justice in Sonoma County;

26 Law enforcement concerns regarding public

1 safety; and

2 Recommendations for matching public safety
3 objectives with community concerns for objective treatment.

4 Among those invited to address the California
5 Advisory Committee today are Sonoma County law enforcement
6 officials, community activists, and representatives of
7 advocacy groups.

8 Based on information collected at this meeting, a
9 summary report will be prepared for the United States
10 Commission on Civil Rights.

11 Other members of the California Advisory Committee
12 in attendance during this meeting are: Luz Buitrago,
13 Michael Carney, Dr. Edward Erler, Dr. Kevin D. Franklin,
14 Rose Boon Fua, Deborah Hesse, Sharon Martinez, Andrea
15 Patterson, Mitchell Pomerantz, Socorro Reynaga-Emmett, and
16 Dena Spanos-Hawkey.

17 Also with us today are Commission vice-chairman
18 Cruz Reynoso and Yvonne Lee, and we thank them for joining
19 us in this endeavor. Also with us is Philip Montez,
20 Regional Director of the Commission's Western Regional
21 Office in Los Angeles, as well as Thomas V. Pilla and Stella
22 Youngblood, Arthur Palacios, Civil Rights Analysts, and
23 Grace Hernandez, Administrative Secretary.

24 This fact-finding meeting is being held pursuant
25 to Federal rules applicable to State Advisory Committees and
26 regulations promulgated by the U.S. Commission on Civil

1 Rights. All inquiries regarding those provisions should be
2 directed to Commission staff.

3 I would like to emphasize that this is a
4 fact-finding meeting and not adversarial proceeding.
5 Individuals have been invited to come and share with the
6 Committee information relevant to the subject of today's
7 inquiry. Each person who will participate has voluntarily
8 agreed to meet with the Committee.

9 Since this is a public meeting, the press and
10 radio and television stations as well as individuals are
11 welcome. Persons meeting with the Committee, however, may
12 specifically request that they not be televised. In this
13 case, we will comply with their wishes.

14 We are concerned that no defamatory material be
15 presented at this meeting. In the unlikely event that this
16 situation should develop, it will be necessary for me to
17 call this to the attention of the persons making these
18 statements and request that they desist in their actions.
19 Such information will be stricken from the record if
20 necessary.

21 Every effort has been made to invite persons who
22 are knowledgeable in the area to be dealt with here today.
23 In addition, we have allocated time between 4:00 and
24 5:00 p.m. to hear from anyone who wishes to share
25 information with the Committee about the specific issues
26 under consideration today. At that time each person or

1 organization will be afforded a brief opportunity to address
2 the Committee and may submit additional information in
3 writing. Those wishing to participate in the open session
4 must contact Commission staff before 3:30 p.m. this
5 afternoon.

6 In addition the record of this meeting will remain
7 open for a period of 30 days following its conclusion. The
8 Committee welcomes additional written statements and
9 exhibits for inclusion in the record. These should be
10 submitted to the Western Regional Division, United States
11 Commission on Civil Rights; 3660 Wilshire Boulevard, Suite
12 810; Los Angeles, California, 90010.

13 Thank you for joining us this morning and let us
14 proceed.

15 I would like to acknowledge the presence and
16 invite the vice-chair of the U.S. Commission on Civil
17 Rights, Cruz Reynoso, to give some opening remarks on behalf
18 of the Commission.

19 MR. REYNOSO: Thank you very much, Mr. Chair. I
20 want to emphasize the importance of the 50 Advisory
21 Committees, including the California Advisory Committee. In
22 terms of their reports to the Commission, we found that
23 they, being the local eyes and ears of the Commission,
24 render a particularly valuable service to the Commission in
25 its own statutory responsibilities.

26 On a personal note, I want to mention,

1 Mr. Chairman, that it's a particular pleasure for me to be
2 in the Rattigan Building. It was about 29 years ago that I
3 met then Senator Joe Rattigan when I was an assistant to
4 another State senator. And I had the pleasure of being both
5 on the Court of Appeal and the Supreme Court of this state
6 while Justice Rattigan was serving. He is not just a great
7 Californian for this part of the state but a great
8 Californian generally. So it's a particular pleasure for me
9 to be in this building for the first time.

10 With respect to the hearings today, I just want to
11 emphasize that the Commission has a long history, going back
12 to 1957, of having hearings like this with respect
13 particularly to community-police relations. The Commission
14 has been particularly successful in recent years. We've had
15 hearings in Tampa and Washington, D.C., and Los Angeles and
16 other places.

17 I recall just a month or two ago we had a
18 follow-up report to a study that we did in Washington, D.C.,
19 with respect to issues that came up there between the police
20 department and the Hispanic community where the Commission
21 made a series of recommendations, all of which were accepted
22 by the D.C. Police Department. And the report we had was
23 that they had -- both the community and the police had
24 profited immensely from those recommendations.

25 So we come here today to hear from all of the
26 parties involved and to make recommendations that, if our

1 history proves correct, will be of value to this local
2 community.

3 MR. HERNANDEZ: Thank you, Commissioner.

4 I would also like to invite Commissioner Yvonne
5 Lee to make a couple of minutes of opening remarks.

6 MS. LEE: Thank you very much. And good morning.
7 I want to add my welcome to the panelists and participants
8 to today's fact-finding hearing.

9 Growing up in San Francisco, my family would take
10 me up to Sonoma County for weekend trips just to escape the
11 hustling and bustling life of San Francisco. I haven't had
12 the opportunity to visit Sonoma County for the past decade,
13 but I understand Sonoma County has become a more vibrant
14 community, largely due to its population increase and also
15 other demographic changes.

16 Last May the Asian-American community called to my
17 attention the death of Mr. Kuan Chung Kao, a 33-year-old
18 resident of Rohnert Park. According to official accounts
19 and reports, Mr. Kao was shot to death by Rohnert Park
20 Police within 30 seconds after the police responded to 9-1-1
21 calls of disturbance outside his own home. The official
22 account also reported that Mr. Kao was extremely
23 intoxicated, and he was holding a six-foot wooden stick,
24 apparently in a martial arts stance. The stick was
25 three-quarters of an inch in diameter and less than a pound
26 in weight.

1 The staff was directed to look into this matter
2 and subsequently it was reported back to the Commission that
3 there had been eight police-related deaths that had occurred
4 in this county since April of 1995.

5 The purpose of today's fact-finding hearing, as
6 mentioned earlier, is not to delve into the specific
7 circumstances of these individual deaths, but an honest,
8 constructive and respectful discussion of broader public
9 safety concerns and issues from the county's residents and
10 law enforcement officials.

11 I expect to learn from both the law enforcement
12 and community representatives on their perspectives on the
13 state of community and police relations. And I hope to
14 learn from the officials and experts on what demonstrative
15 projects and/or strategies are in place or being planned to
16 continue and better protect the community that is expected
17 to grow not only in terms of population but also in its
18 diversity racially, ethnically, socially, economically, and
19 linguistically. And, more importantly, the community's role
20 in ensuring an accountable and mutually cooperative public
21 safety strategy for all residents in this county. And I
22 look forward to today's proceedings.

23 MR. HERNANDEZ: Thank you, Commissioner.

24 I would like to now proceed with the first panel.
25 I'd like to call forward Elisabeth Anderson, Director of
26 Sonoma County Center for Peace and Justice.

1 Ms. Anderson, for the record, would you please
2 state your name and your position and your organization for
3 the record.

4 MS. ANDERSON: My name is Elisabeth Anderson. I'm
5 the Executive Director of the Sonoma County Center for Peace
6 and Justice.

7 MR. HERNANDEZ: Thank you. And I'd like to ask
8 each presenter to please limit their remarks to no more than
9 about 10 minutes so that we can give the panel an
10 opportunity to follow up with questions.

11 Thank you. You may proceed.

12 MS. ANDERSON: Okay. Thank you. I'd like to say
13 thank you very much for coming here today on behalf of our
14 community and also from the center and to help us
15 investigate and air some of the challenging issues that we
16 face around police-community relations.

17 My name is Elisabeth Anderson and I represent and
18 am the Executive Director for the Sonoma County Center for
19 Peace and Justice. Our center has a vision of a community
20 where differences are respected, conflicts are addressed
21 nonviolently, oppressive structures are dismantled, and
22 people live in harmony with each other and the Earth. We're
23 committed to compassion, solidarity and reconciliation in
24 human relations.

25 In the first four months of 1997, four people died
26 at the hands of law enforcement in Sonoma County. After the

1 number of incidents grew, the Peace and Justice Center
2 became involved with the issue. We met with other local
3 community groups and also with local police. As we met and
4 talked with them, we had many questions unanswered related
5 to those specific incidents and also the existing system
6 that is currently in place for the review of law
7 enforcement.

8 I want to make it clear from the outset that we
9 are not anti-law enforcement. To gain a broader perspective
10 in my research, I attended a 12-week citizen police academy
11 put on by the Santa Rosa Police Department. I also attended
12 national conferences about civilian oversight of law
13 enforcement.

14 While strong and diverse community interest has
15 been aroused over the issues of death and violence at the
16 hands of law enforcement, we also have encountered many
17 barriers in gaining serious consideration by law enforcement
18 and local government.

19 We've come to believe that the current system of
20 review doesn't work for the public interest and that we
21 should create a civilian police review commission to assist
22 the current internal system by law enforcement.

23 There is a broad community -- There's a broad
24 concern that exists in the community over the current system
25 of review that involved the deaths, serious injury and also
26 disrespect of the rights of the citizens of Sonoma County.

1 There are currently at least 15 groups that are working and
2 many, many more individuals who are actively working on this
3 issue all from within Sonoma County. We have a wide range
4 of participants crossing all of the lines of color and
5 class. Many groups already existed and new ones were formed
6 from police watchdog organizations to lawyers and
7 professionals researching civilian police review boards.

8 Last year there were many community meetings and
9 demonstrations that brought several hundred Sonoma County
10 residents together. And we have a database of over 400
11 people who are concerned about police violence in Sonoma
12 County. We collected over 300 signatures in three weeks to
13 request these independent hearings.

14 The Peace and Justice Center has a membership of
15 over a thousand households in Sonoma County. The Sonoma
16 County chapter for the American Civil Liberties Union has
17 membership of over 1200 families. And the Redwood Empire
18 Chinese Association has over 300 members. And the other
19 community groups represent many more thousands of people in
20 Sonoma County who are concerned about these issues.

21 Members of these groups and coalitions have been
22 asked to speak to schools, churches, local groups,
23 conferences on police accountability, the Democratic Central
24 Committee, and also Leadership Santa Rosa and other weekly
25 discussion groups that occur in the county. Each week
26 there's at least one meeting or event that has taken place

1 since May of 1997 throughout the county showing that the
2 strong community interest and concern has not diminished
3 with time but, in fact, has increased.

4 Law enforcement and local government has not been
5 responsive or inclusive to our efforts to bring change. In
6 the fall of 1997, the United States Department of Justice
7 brought several law enforcement chiefs together with some
8 local community groups. Originally, this was designed to
9 bridge the gap between the law enforcement and the Asian
10 communities.

11 After the first meeting, it was broadened to
12 include other concerned community groups. During that
13 second meeting, we focused on the use of deadly force, the
14 lack of gender and ethnic diversity among the ranks of sworn
15 officers, civilian review boards, and the lack of
16 accountability of law enforcement to the community.

17 Three days prior to our third meeting, the Chiefs'
18 Association announced that they were creating a civilian
19 advisory panel and that this advisory panel would be
20 reviewing the policies and procedures of the law
21 enforcement, and that the Chiefs' Association would be
22 selecting the people to be on this panel.

23 Secondly, they made a recommendation that the
24 Grand Jury would be the independent body to review any
25 future critical incidents involving death or serious
26 injury. But with only one year to their terms and many,

1 many other areas to cover in Sonoma County, we feel this is
2 not a satisfactory alternative.

3 All of the groups involved with these meetings
4 felt completely betrayed. Law enforcement had made
5 unilateral decisions affecting the community without asking
6 the community at a critical time when the community-police
7 relations were already strained. Not one elected official
8 has spoken out on behalf of mistreated civilians or for the
9 victims' families.

10 We approached our Santa Rosa City Council, asking
11 for dialogue about the high number of deaths in Santa Rosa
12 Police Department. Their response referred to our scheduled
13 meetings with Police Chief Dunbaugh and we have not heard
14 anything from them since.

15 In conversations with council members, we have
16 always been encouraged to speak directly with the police
17 chiefs. All our attempts to reach out an open dialogue with
18 our elected officials and local leadership has been met with
19 closed doors.

20 It has been challenging to get unbiased
21 information out to the public. The media is responsible for
22 investigative reporting and to give a complete picture of
23 the community through television, radio and newspapers. Some
24 of the media has worked hard to deliver nonjudgmental
25 perspectives while some of the local media has shown a lack
26 of depth in the coverage, which makes it difficult for the

1 public to receive complete information, unbiased information
2 about specific incidents. But also about the widespread
3 community involvement.

4 For example, an editorial in the local daily
5 newspaper accused the Peace and Justice Center of being
6 biased and lacking objectivity in judging police
7 performance. We have never attempted and nor do we want to
8 judge police performance.

9 We are working toward a system for independent
10 review of law enforcement for citizen complaints, critical
11 incidents, and policies and procedures. In short, a
12 civilian review board.

13 We believe that the majority of law enforcement
14 officers perform often difficult and stressful work and at
15 times at risk to their own personal safety. However, it is
16 essential that law enforcement be held to the highest
17 standards of accountability not only from a criminal
18 perspective but to the community itself and that the
19 policies and procedures of law enforcement reflect the
20 values of the community.

21 We have become convinced that the current system
22 of review by law enforcement doesn't work. We at the Peace
23 and Justice Center receive many calls each week from victims
24 who feel that they have been mistreated by law enforcement.
25 The options that I tell them is that the aggrieved citizen
26 has basically three options currently. The first is to file

1 a complaint with that -- the department that caused the
2 alleged misconduct. The second is to file a complaint with
3 the Grand Jury. And the third is that they can file a
4 complaint with the City Manager's Office.

5 Filing a complaint to the alleged perpetrator is
6 intimidating and many victims or alleged victims of police
7 misconduct are very reluctant to do so.

8 In addition, the Grand Jury report from 1996-97
9 reported that many Sonoma County law enforcement agencies
10 had a lackadaisical attitude toward civilian complaints. And
11 some went so far as to discourage citizens from filing the
12 complaints.

13 As to the Grand Jury, that body selects the issues
14 and topics that they will investigate, and they could not
15 possibly investigate all citizen complaints since they only
16 have one-year term limits. The City Manager's Office
17 currently does not have the resources to effectively handle
18 and investigate each complaint.

19 The most frustrating part for the victim has been
20 that no one is able to fully hear, investigate and act upon
21 their complaints. There is no system in Sonoma County where
22 a civilian can make a complaint about law enforcement to an
23 agency or group that is not connected to law enforcement.

24 We at the Peace and Justice Center have become
25 convinced that an independent civilian review commission is
26 the solution to effective police oversight and to also

1 improve police community relations.

2 To that end, we will continue our work with the
3 media, with the local law enforcement, with local
4 government, and all of the groups and individuals.

5 And I would like to say thank you very much for
6 your part in this effort. And we hope today's hearings will
7 help speed us to that goal so that we can reduce the number
8 of incidents of violence, we can restore the public
9 confidence in law enforcement. But most of all, benefit the
10 larger community.

11 And I would like to add I do have some materials,
12 the letters of reference that I made here that I can hand
13 out.

14 MR. HERNANDEZ: Could you remain there just then
15 and I'll ask the other two members of the panel to please
16 come forward and ask Mr. Shinagawa to step forward and give
17 your remarks and limit it to about 10 minutes so the panel
18 will have time to ask questions. And then any materials
19 that you would like to give to us for inclusion in the
20 record, we will accept.

21 MR. SHINAGAWA: Thank you very much, Honorable
22 members of the Civil Rights Commission both at the state and
23 the federal levels.

24 I very much thank you for hearing our concerns in
25 Sonoma County, the concerns of many, many persons in this
26 county who have felt that there needs to be some greater

1 dialogue between the community and the police here in this
2 county.

3 What I am going to do outside of this talk is to
4 talk about a number of items and I will use some overhead
5 materials so as to indicate some of those types of items
6 very clearly.

7 I'm going to first talk about demographics. I'm
8 also going to talk about the issue of diversity here in this
9 county. I'm also going to discuss the idea that the
10 training of existing officers is not enough. And I'm also
11 going to talk a little bit about the context of the
12 Asian-Americans here in this county. And finally, I'd like
13 to make some positive statements about what we can do to
14 change the situation.

15 Let me show the first overhead. Let's put this
16 overhead up about facts about Sonoma County. Sonoma County
17 is -- excuse me one second.

18 MR. HERNANDEZ: And this is a slide of facts about
19 Sonoma County?

20 MR. SHINAGAWA: Yes. Some of the demographic
21 facts about Sonoma County. Right now, in 1996, which is
22 about the earliest date -- the latest date that I can get
23 information about, roughly about 424,000 persons reside in
24 Sonoma County. Probably around now it's coming closer to
25 half a million.

26 The growth rate, as you can see, has declined

1 overall but that is because of population of Sonoma County
2 has increased over the years so proportionately it has
3 become smaller. In 1980 to 1990, it was 2.6 percent. Now
4 in 1990 to 1995, it was 2.3. It's in the future projected
5 to be 1.6 percent on an annual basis.

6 The major factor of the growth between 1988 and
7 1993 was the migration of persons into Sonoma County.
8 That's very important. What we are seeing is that the face,
9 the complexion, the nature, the class composition the
10 cultural attitudes and the cultural composition of this
11 county is changing. 75 percent are out of this area and
12 have moved in. Only 24.8 percent are due to natural
13 increase. In other words, births over deaths.

14 Half of these newcomers who are coming into this
15 county are between the ages 30 to 34 and have some of the
16 highest average incomes in terms of household income.

17 It's also interesting to note that Mr. Kuan Kao is
18 in somewhat that same category of age. And I'd like to
19 pinpoint that for a second here.

20 The racial composition of Sonoma County is still
21 largely non-Hispanic white. 82 percent at this moment in
22 July 1996 was non-Hispanic white. The Hispanic population
23 is the second largest population, which is 12 percent. The
24 Asian population, a fast-growing population that is rapidly
25 moving into this area, is 3 percent. The black population
26 comprises about 1 percent. So, too, the native American and

1 other populations.

2 We are seeing a large increase overall in the rise
3 of Hispanic and Asian populations to this area. I've also
4 shown you on the same overhead the incomes. The incomes are
5 fairly comparable to the rest of California. Slightly
6 higher, however; but not that much different.

7 Let's go to the next overhead.

8 MR. HERNANDEZ: And you'll make these available --

9 MR. SHINAGAWA: Yes, I will. The point I'm trying
10 to make here is that California is changing and Sonoma
11 County is going to have to confront the changes that are
12 happening across California.

13 If you look at this figure, this overhead, what
14 you see is the net population growth by race between 1990
15 and July 1996. And as you can see, there has been a
16 significant increase in the Hispanic population, the Asian
17 population, the African-American population. And the white
18 population has only grown slightly overall. There's been a
19 change.

20 We are estimating by the year 2002 to 2003 that
21 the overall population in California will be the minority
22 majority. It's estimated in that range. Bay Area already
23 is now at a point where the majority of the citizens are no
24 longer white overall.

25 Net migration. The next overhead. If you look at
26 this, this is also a very interesting slide. What it shows

1 is that the migration that comes to California is very
2 different in composition. Whites overall in California
3 still remain as moving out overall in this period of time.
4 The Hispanic population and the Asian populations have been
5 moving in to California.

6 Let's go to the next one. And this overhead is
7 called the "Natural Increase by Race." And here you see
8 that one of the largest populations in terms of a growth by
9 natural increase, births over deaths, are the Hispanic
10 population. A growing community of Sonoma County, a growing
11 community of the Bay Area. A growing community of
12 California. Eventually, somewhere around 2040, it may be
13 the majority of Californian.

14 Let's to go the next overhead. I'm not going to
15 going to try to explain this entire table, but this is for
16 your records so I put this inside the packet. It's hard to
17 read. All I can say is that this is a county estimate, year
18 by year, of the increases of population for California. And
19 as you can, see the minority populations have increased
20 substantially year by year.

21 Let's go to the next one. And this is of Sonoma
22 County. Sonoma County. And, again, you can't see this but
23 it's, again, for your records. Sonoma County is somewhat
24 different. While California is growing in leaps and bounds
25 in terms of its diversity, ethnic composition diversity,
26 Sonoma County has not grown substantially in terms of its

1 ethnic diversity to the same extent. Yet. At least
2 according to 1996 figures.

3 My understanding, and this is what I feel very
4 strongly, is that it is about to. Sonoma County will become
5 a member of the Bay Area. It will become more and more
6 similar to the Bay Area at large. There will be more
7 persons coming in who will migrate to Sonoma County who will
8 move from San Francisco and other localities of the Bay Area
9 and move here.

10 Who are those citizens? Very likely,
11 African-Americans, Asian-Americans, and also Latinos. Those
12 populations will increase as well as higher income
13 non-Hispanic whites.

14 The point I'm making here is that the diversity in
15 Sonoma County is at a cusp. We're going to see a change.
16 It's not now but it's going to come. We're starting to see
17 the first inklings of a movement of population into this
18 area. We notice that Rohnert Park has a large population of
19 racial minorities in comparison to Sonoma County overall.
20 The same thing is true of Santa Rosa. I can say that in
21 particular the Asian population in Rohnert Park is roughly
22 about 6 percent. The population of Asians in Santa Rosa is
23 roughly about 8 percent. And it's increasing.

24 So what we're seeing is that in certain localities
25 of Sonoma County, people are moving in and that change is
26 affecting things.

1 Let's now go to the next overhead. While the
2 diversity that is in Sonoma County is one in which about
3 82 percent of the population is still non-Hispanic white,
4 18 percent are racial minority, as I mentioned.

5 In terms of the composition of the sworn police
6 officers, as far as I can get the information -- and it was
7 very difficult to get that information, let me tell you --
8 as far as I can get that information, this is an example of
9 the figures for late 1997. For each of the jurisdictions
10 here by count.

11 MR. HERNANDEZ: Could you just summarize quickly
12 what we're seeing here because the slide is not --

13 MR. SHINAGAWA: Sure. I'd be glad to. I'd like
14 to describe that in the next overhead. Because a count is
15 very difficult to interpret in comparison to a percentage.
16 So let's go to the next one.

17 This is now a table that shows the percent
18 composition of females, Latinos, African-Americans, Asian
19 and Pacific Islanders and Native Americans for each of the
20 police jurisdictions. As you can see, the Sheriff's Office
21 in Sonoma County has 3.1 percent female. The Latino
22 population comprises 5.8, percent the African-American
23 population 1.8 percent.

24 I was not able to get the Asian information so I
25 put it as a dash. I was not able to get the Native American
26 information. So that information I still have not obtained.

1 This as current as I could get it at this moment.

2 Santa Rosa is a complete set of information.

3 8 percent are female. 7.4 percent are Latino.

4 2.5 percent are African-American. 1.8 percent are Asian and
5 Pacific Islander. And .6 percent are Native American.

6 Let's go to Rohnert Park. Rohnert Park is 7.4
7 percent female, 1.9 percent Latino, 1.9 percent African-
8 American.

9 Overall for Sonoma County, as far as I can
10 ascertain, only 6.9 percent of the entire police force is
11 female. That is abominable. I don't think there's any
12 excuse for this. There's a real need to have a diversity in
13 terms of gender and I think you would have a very different
14 impact in terms of how they handle police-community
15 relations if there was a different composition there.

16 Also, if you might notice, overall for Sonoma
17 County, the minority composition comes out to be 8.7
18 percent. Again, much smaller than the 18 percent of racial
19 minorities who are here in this county.

20 We have a problem. We don't have diversity. Even
21 in this county even though there isn't as many minorities as
22 in the Bay Area.

23 What's the solution? I would argue very, very
24 clearly that what we need to do is we can't talk only about
25 training officers in the existing ranks. I served
26 personally as a cultural diversity training person for the

1 Sonoma County Sheriff's Office. I did a good job, in my
2 opinion. I tried to do my best to serve the needs of the
3 community and the police officers. But at the same time,
4 every time I did these presentations, I saw the
5 constituency. There was not a representation of racial
6 minorities, nor was there a representation of women.

7 In order to have real diversity and real
8 sensitivity, I believe that we have to have diversity within
9 its ranks.

10 MR. HERNANDEZ: Thank you very much, Professor.

11 MR. SHINAGAWA: One last presentation and then
12 I'll finish.

13 MR. HERNANDEZ: Okay. Because we're running out
14 of time.

15 MR. SHINAGAWA: The last slide indicates the
16 location of the 11 deaths in Sonoma County during the past
17 three years. And as you can see, it's extremely clustered
18 in a very small area of Sonoma County. Primarily in the
19 areas of Santa Rosa, Rohnert Park and along the road between
20 Santa Rosa and Rohnert Park are located. That's the bulk of
21 the deaths. And other speakers in my panel will also
22 discuss more clearly about the specific deaths and the
23 context of that. But something needs to be done.

24 In my opinion, a civilian independent police
25 review will be all important so that there will be true
26 dialogue, true community relations with the police so that

1 people can effectively engage to make their lives better for
2 all the public safety of this citizenry. Thank you.

3 MR. HERNANDEZ: Thank you, Professor.

4 I'm going to move to the next panelist. Before I
5 do that, I just want to say that staff has asked that
6 because there are so many people wanting to get into the
7 hearing, what we're going to do is, after each panel, we're
8 going to ask the people in the audience to please give up
9 their seats so the next group of people can come in and
10 attend. So we're going to be rotating people throughout the
11 day so that we can get everybody that wants to get in a
12 chance to listen to the testimony and to participate in the
13 hearings.

14 Okay. The next person is Judith Volkart, Chair of
15 the Sonoma County ACLU. Welcome.

16 MS. VOLKART: Thank you.

17 MR. HERNANDEZ: And could you state your name and
18 your organization for the record.

19 MS. VOLKART: Thank you, Chairman Hernandez and
20 members of the California Advisory Committee and Honorable
21 Justice and Commissioner Reynoso and Honorable Commissioner
22 Lee.

23 My name is Judith Halfpenny Volkart, and I have
24 lived in Santa Rosa for 20 years. I work as assistant
25 general counsel and assistant vice-president at Fireman's
26 Fund Insurance Company. And as a volunteer, I am the chair

1 of the American Civil Liberties Union of Sonoma County. And
2 as Elisabeth mentioned, we have 1200 families who are -- we
3 count among our membership.

4 You have seen a snapshot of Sonoma County that has
5 been presented by the last two speakers and now you have
6 before you both the heart and the hard statistical facts of
7 who we are. And I am here to present to you the concerns
8 that this community has.

9 We are very seriously concerned about the state of
10 criminal justice administration in our county. And that
11 concern touches three primary areas. They are very
12 generally described. We are very concerned about the high
13 level of police killings and general police violence in this
14 community. The eight deaths in the last two years have
15 shocked our community and have created a great deal of
16 concern among its individual members as well as outside of
17 the community asking us, those of us who live here, "What
18 are you going to do about this?"

19 In addition to the eight deaths, there are also
20 two inmates that you should know about who died while in
21 custody because of medical -- lack of medical treatment and
22 another inmate who died after five days of being in jail
23 several hours -- about six hours after the release.

24 So the numbers can go as high as 11, according to
25 some counts deaths -- police-involved deaths in this
26 community in the last two years. We cannot say nor will we

1 say that each one of those deaths should not have occurred.
2 But they're clearly an indication that there is something
3 wrong in this county. This is not South Central, this is
4 not Oakland. This is not a high crime area. We are a
5 relatively peaceful community and something is wrong and we
6 don't know what is wrong.

7 The second area of concern that we have is one
8 that Larry has alluded to in his presentation, and that is a
9 general pattern of discrimination that you can see by the
10 lack of diversity, particularly gender diversity, in the law
11 enforcement. And also deficiencies in the training that
12 compound those problems.

13 You will have speakers later today talk about the
14 lack of cultural sensitivity training, training that doesn't
15 really promote responsible practices in dealing with members
16 of our community who are incapacitated because of drugs,
17 alcohol or mental illness. And several of the deaths
18 occurred were by individuals who were under the influence of
19 drugs or mentally ill.

20 So we believe that are some gross deficiencies in
21 the training area. But the area that I would like to just
22 focus on and give a little more detail to is what we see as
23 an absence of accountability to the community by law
24 enforcement. And not just an absence of accountability but
25 a resistance of law enforcement to be accountable to any
26 organization that they cannot control.

1 Most of the information that the community gets we
2 get through information that law enforcement gives to the
3 press. And Elisabeth explained some of the meetings that we
4 had with law enforcement. But as you have seen from press
5 releases I'm sure that this Commission has had the
6 opportunity to look at, that there is misleading information
7 that is being reported in the press.

8 This Committee, this Advisory Committee, is fair,
9 it's impartial. The community push for police reform is
10 local. It's not outside of this community. There is a
11 broad-based movement very strong in this community crossing
12 racial, cultural and socioeconomic lines for police reform.
13 It's not just a few fringe elements and political
14 activists.

15 The problem with this misleading information is
16 that we are examining -- it causes us to examine the wrong
17 questions. And just last week, there's an article in the
18 newspaper saying that the officers had been cleared of all
19 wrongdoing, they'd been exonerated and vindicated. That is
20 not true. The criminal investigations -- there have been
21 criminal investigations that have taken place. They have
22 taken place, in some instances, by the very law enforcement
23 agency that was involved in the killing. And in some
24 instances, by the sister or, in our case, the brother law
25 enforcement agency in the county. Criminal investigations
26 have taken place by the District Attorney's Office and by

1 the Department of Justice.

2 But the main point is not whether law enforcement
3 in Sonoma County -- the officers are criminal. The point --
4 the questions that we want to ask is: Are they
5 professional? And we want to hold our law enforcement to
6 the highest standards of conduct to the values that this
7 community embraces.

8 So there are many questions that are not being
9 asked. And those are questions such as, you know, did the
10 officer act reasonably? Did he violate department policy?
11 Was there any official written policy about the use of
12 deadly force, the use of physical force? And do those
13 policies reflect the values of the community while still
14 providing safety to the officers?

15 What about the policies for dealing with mentally
16 ill, with drug and alcohol incapacitated individuals? Had
17 the officers received proper training? And most
18 importantly, what can be done to stop the cycle of killing,
19 officer-involved killings?

20 And are there any patterns in the eight deaths
21 that have happened in the last two years? And if there are,
22 what can we learn from those patterns to prevent this from
23 happening again?

24 The front line for accountability is not the
25 courts. It's not the criminal court. It shouldn't be the
26 civil court. It should be the community who the officers

1 are here to serve and to protect.

2 But unfortunately, law enforcement has been
3 creating the impression that they have something to hide.
4 And this resistance to independent review by even this panel
5 is evidence of that. And further evidence of that is the
6 seriously flawed two review mechanisms that the Sonoma
7 County Chiefs' Association and the District Attorney's
8 Office have established since we began meeting with them.

9 One is the Chiefs' Citizen Review Panel, which
10 Elisabeth briefly mentioned. We were informed about the
11 citizen review panel at a community meeting, but we had
12 absolutely no opportunity into the input of the development
13 of that panel and we've seen nothing in writing. We've
14 asked this Commission or this Committee to ask for any
15 documents from law enforcement that reflect the composition
16 and the procedures and practices that this citizen review
17 panel will take.

18 We understand from the Chiefs' Association press
19 release that the citizen review panel members are going to
20 be hand picked by law enforcement. So this is not an
21 independent professional citizen review by any means. And
22 there are serious flaws, as you can see.

23 The second mechanism that law enforcement has
24 suggested is a Grand Jury review of officer-involved deaths
25 and serious injuries. This, again, we learned about from a
26 press release, Sonoma County Law Enforcement Chiefs'

1 Association and the District Attorney's Office. There was
2 no discussion with the community about this, although we had
3 been engaged in meetings, talking about civilian review.

4 The press release said that this Grand Jury model
5 will serve as -- as a model for this community on civilian
6 review and that the justification for it being such a good
7 model was that the members of the Grand Jury are randomly
8 selected.

9 But Grand Jury review is not independent
10 professional civilian review for a number of reasons. And I
11 will submit as a supplement to my testimony very detailed
12 reasons why that is not the case. But I'd like to just
13 touch on a few of the most obvious here.

14 The Grand Juries in this community lack diversity,
15 both racial and income. They're very few low income people
16 on the Grand Jury. They're selected by the judges in Sonoma
17 County. There's no opportunity for the Grand Jury to
18 develop any kind of expertise. They're in for one year and
19 that's it. And they deal with a very broad range of topics.
20 Everything from zoning to traffic lights. So there is no
21 way that a Grand Jury can focus on the policies and
22 procedures and practices of 11 law enforcement jurisdictions
23 within our county.

24 The matters that are being referred to the Grand
25 Jury are only after the fact. After there has been some
26 serious injury or death. This does not stop or deter future

1 events from happening.

2 And Grand Jury proceedings are closed to the
3 public. And we all know they sort of have this aura of Star
4 Chamber-ness about them that may or may not be true, but the
5 public is not invited to participate in the Grand Jury
6 process. In fact, the only attorney who is allowed in the
7 Grand Jury room is the District Attorney's Office. And who
8 is the District Attorney? The chief law enforcement officer
9 of the county.

10 The Grand Jury relies on the County Counsel's
11 Office for legal advice. Lawsuits brought against law
12 enforcement officers for abuse of process are defended by
13 the County Counsel's Office. So the Grand Jury is not
14 independent of law enforcement by any means.

15 I think that these two policies that have been
16 implemented -- and, again, we haven't seen any documentation
17 about how the Grand Jury review process will happen. And we
18 would ask this Committee to ask law enforcement for the
19 procedures and practices of how they see this happening.
20 That these -- the development of these two policies while
21 community meetings were ongoing, the unilateral development
22 of these policies, indicates, really, a refusal to give up
23 control to the community by law enforcement.

24 Now, the police know that the best weapon that
25 they have is the confidence and the trust of their
26 community. And if they are confident that their policies

1 and their procedures are professional, they will welcome an
2 open review of the same. Because it will legitimize their
3 claims to professionalism.

4 We have a number of recommendations that the
5 community has passed that we would ask this Committee to
6 consider. Top of the list you've already heard is the
7 recommendation that the Committee recommend -- our
8 recommendation is the Committee recommend that both the
9 elected officials and the community get together and create
10 independent effective civilian review boards. And I'll be
11 submitting as a supplement to this testimony a list of the
12 elemental criteria that ensure objectivity and
13 independence.

14 But, also, we think it's important that the
15 civilian review board be empowered to be able to take a look
16 at a broad range of policies and procedures and practices of
17 law enforcement in this county.

18 The policies relating to the use of deadly force,
19 the use of physical force. The numbers of discrimination
20 claims. Identifying -- Putting some kind of an early
21 warning system into place that will allow the identification
22 of officers who are involved in multiple incidents of
23 physical -- of excess use of physical force and who are
24 involved in multiple shootings. Taking a look at the hiring
25 practices to raise the bar to eliminate officers who may
26 have a proclivity towards violence.

1 So what we are suggesting is that a civilian
2 review board be empowered with the ability to take action to
3 deter future shootings from happening again in this county.

4 I thank very much this Commission for taking
5 interest in our problems here in Sonoma County. I am very
6 pleased that you will be rotating the audience so that the
7 dozens of people who are downstairs, many of whom are
8 members of the families of the officers (sic) who have been
9 killed, will have the opportunity to participate in this
10 very important inquiry.

11 Thank you.

12 MR. HERNANDEZ: Thank you very much.

13 I'd like to begin the questioning. And I'd like
14 to invite the Commissioner Reynoso to begin the questioning.

15 MR. REYNOSO: How long have the community groups
16 that you folks, at least two of you represent, been meeting
17 with the various police representatives in this county? Has
18 it been mostly in the last two years, since these last
19 killings, or did it precede that?

20 MS. ANDERSON: I can speak for -- this is
21 Elisabeth -- and I can speak for the Peace and Justice
22 Center. And we started to meet with law enforcement last
23 summer. So I think it was June of 1997.

24 MR. REYNOSO: So it's been relatively recent that
25 much of this activity has taken place.

26 MS. ANDERSON: Exactly.

1 MR. REYNOSO: What -- I'm sorry.

2 MS. VOLKART: Although the meetings with law
3 enforcement began during the summer, the community began
4 organizing and discussing among themselves its concern about
5 the high level of police violence as early as January of
6 1997.

7 We at the ACLU began to look at some deaths that
8 had occurred in '96, and we did not realize in January of
9 '97 that we were going to have four more deaths occur within
10 a four-month period of time. So the community's serious
11 concerns about this level of violence escalated very quickly
12 at the first quarter of last year.

13 MR. REYNOSO: Sometimes police departments or
14 counties will bring in independent experts from outside.
15 That is, they will hire them themselves to come in and
16 advise them internally about what to do about community
17 reaction to, for example, the killings that have taken place
18 in the last two years. Bring them in on a contract basis.

19 Do you know whether or not that has been done?
20 Because from your testimony, I take it that you feel there's
21 been some resistance on the part of the District Attorney
22 and the police department to some of your suggestions.
23 Sometimes even when you see that, you'll see them hiring
24 their own experts who will come in and independently review
25 what is happening and make internal recommendations.

26 Do you know whether or not that has happened yet?

1 MS. VOLKART: To my knowledge, certainly law
2 enforcement has not advised us that they have, in fact,
3 taken that step.

4 MR. REYNOSO: One final question. At least two of
5 you, perhaps all of you, mentioned the relative lack of
6 diversity by gender and race and ethnicity in the overall
7 representation in Sonoma County.

8 Have there been any reports back to you from the
9 leaders in the various police departments that you've met
10 with in terms of what's being done to increase that
11 diversity? I ask that because those things take time and I
12 just want -- I'm wondering what response you've had in that
13 regard.

14 MS. VOLKART: I think that the answer to your
15 question will be provided very fully when Tanya Brannan has
16 an opportunity to address this panel. She has been working
17 with law enforcement for many, many years, working to expand
18 law enforcement to include more women.

19 MR. HERNANDEZ: Luz Buitrago?

20 MS. BUITRAGO: Can you let us know when the two
21 clauses that were adopted were adopted and what happened? I
22 assume that you complained and the results of your
23 complaints, what were they?

24 MS. ANDERSON: We were notified in November that
25 the civilian advisory panel would be formed. To this date,
26 I haven't heard when and what the policies and procedures

1 are.

2 MR. HERNANDEZ: Mr. Carney.

3 MR. CARNEY: Thank you, Mr. Hernandez.

4 You speak of these civilian review boards and how
5 you expect that they might help with respect to those
6 situations that law enforcement is involved in. How would
7 you propose that they be made up? How would they be
8 assembled?

9 MS. VOLKART: Do you mean the composition of who
10 sits on the boards?

11 MR. CARNEY: Yes.

12 MS. VOLKART: My proposal is that each individual
13 community come to a decision itself about the composition of
14 its community civilian review board. We do not envision one
15 civilian review board for the entire County of Sonoma. We
16 have 11 law enforcement jurisdictions so it's a big job.

17 The people in Rohnert Park need to sit down and
18 determine what composition they want to have on their
19 civilian review board, the people of Santa Rosa may have a
20 different perspective. The people in the entire county and
21 the unincorporated areas of the county need to make that
22 decision.

23 I think the important thing is that whatever that
24 composition is, that it be reflective of the values of the
25 community and that it be law based and that it be
26 independent and not controlled by law enforcement.

1 MR. CARNEY: Well, you would have the
2 administration of it, the political administration of each
3 jurisdiction controlling to some extent the makeup of these
4 review boards. Isn't that correct?

5 MS. VOLKART: I'm not sure what you mean by the
6 "political administration."

7 MR. CARNEY: The mayor, the city council, the
8 board of supervisors, et cetera. My question is really
9 geared to comparing it, the makeup of these review boards,
10 to the similarity that you have with the Grand Jury. You
11 have judges who appoint -- refer -- I'm sorry. Recommend
12 for appointment to the Grand Jury membership friends. And
13 we don't expect judges are going to be in the ghettos and
14 the barrios and, you know, hoisting a couple with the local
15 gentry there.

16 And then the other thing is the requirements of
17 the Grand Jury put a burden on the individual to be
18 available for service with the Grand Jury. So you're really
19 narrowing down, on a year's basis, you're narrowing down
20 membership to those who can afford, either by financial
21 means or by the fact that they're retired, not only the
22 economic loss by taking off work but the time element.

23 I would envision that unless you are going to put
24 up some guidelines, you're going to have a similar kind of a
25 structure in a civilian review board that you have with the
26 Grand Jury. A limited access to the common folk, if you

1 will. And I have -- I mean, it's just a question I'm
2 throwing out there. It's almost rhetorical, because you're
3 obviously not going to be able to control each jurisdiction
4 and how they want to assemble a review board.

5 MS. VOLKART: No, but I want to. I mean, I think
6 those decisions have to be made locally by the community
7 that -- to whom law enforcement is accountable. Those are
8 very important discussions that need to take place inside
9 the community, what is the composition of the review board?

10 I can see that there are a number of options.
11 There are options that the members of the community -- the
12 panel, the review board could be elected positions. Much as
13 the supervisors and city council members are. I can see
14 that city council members could have the right to be able to
15 appoint a representative of the civilian review board from
16 each of the city council jurisdictions. There are a number
17 of options.

18 MR. CARNEY: Well, aren't you still, though, under
19 those conditions, you're still looking at people who are
20 acquainted with those elected officials and they're in that
21 upper echelon, if you will. They're not the housewife that
22 has the husband that goes to work at a job at a factory
23 every day. You're not going to get the common person is
24 what I'm getting at. And how broad a base are you going to
25 have? You're still going to have that compacted, if you
26 will, membership. And more of on the elite side, so to

1 speak.

2 And that's one of the questions I have with the
3 makeup of civilian review panels and how independent are
4 they going to be? And what voice are they going to have?
5 What strength are they going to have? I realize that you're
6 not going to be able to answer these questions but these are
7 questions that come into my mind. What is the -- I mean, I
8 look at Los Angeles City's situation and there's all kinds
9 of conflicts developed there and the police commission
10 versus the potential of a civilian review board and all of
11 this other business.

12 If you're going to talk about reaching the
13 community, then let's have a way that the community can
14 participate. Are you going to elect these people at the
15 ballot box? And then, again, you have the same situation.
16 Those that have, are able to campaign. Those that have not,
17 are not going to be able to on an equal basis. And that's
18 the concern that I have. How do you make up these review
19 boards?

20 MS. VOLKART: Mr. Carney, I think the issues that
21 you have raised are very, very important issues and these
22 are the sorts of things that need to be discussed inside the
23 cities and the communities themselves. I mean, I share your
24 concern about the potential for a lack of diversity under
25 certain models of selecting membership of community review.
26 But I think the most effective review will be when a

1 community decides that its review board will be very diverse
2 and will reflect the various elements within that
3 community.

4 Now, how that composition is accomplished, there
5 are a number of ways that can be done. And I think that the
6 issues that you have raised highlight, you know, the need
7 for the communities to begin discussing, raising these very,
8 very important issues that have to do with the
9 administration of criminal justice.

10 Review boards are human institutions and they are
11 not perfect. And there has been a lot of controversy about
12 review boards. But the interesting thing is that the review
13 boards are giving the opportunity for these issues to come
14 to light in the community so that there can be meaningful
15 discussion about how to resolve the power, if you will, that
16 we give to the police with the rights, if you will, and the
17 respect that's deserved in the community.

18 MR. CARNEY: I have a question with respect to
19 what you had addressed us with, Professor.

20 MR. SHINAGAWA: Sure.

21 MR. CARNEY: And that is with the training and
22 discrimination factors involved. You mentioned cultural
23 sensitivity training, and my question there is: To what
24 effect does cultural sensitivity -- what effect does it have
25 on a police officer? If a crime is a crime and a police
26 officer is out there trying to take care of investigating

1 the crime and finding out who is at fault or whatever --

2 MR. SHINAGAWA: I can --

3 MR. CARNEY: -- there's the stereotypical Mexican
4 family who has a husband and wife dispute and the officer
5 goes to that call. They're historically and traditionally
6 the most dangerous call a police officer can go on because
7 he just does not know what to expect. There may be a
8 weapon. And when he arrests -- if he arrests, as I say, the
9 husband, the perpetrator of this domestic violence, the wife
10 goes nuts and then she may attack the officer.

11 And so they're kind of in a hot pocket, if you
12 will. Because -- and, again, I'm saying it's a
13 stereotypical thing in the Mexican community and I'm
14 addressing my own experiencing of knowing about these things
15 in the Los Angeles area. The situation arises where the
16 husband comes home and he gets a little toasted on the
17 weekend because he's not going to have to go to work on
18 Saturday and he gets a little belligerent with his wife and
19 it escalates into an incredible situation.

20 Does the officer take into consideration the
21 cultural background of the family? That this is a kind of
22 a -- maybe this is an expected activity? Is that what
23 you're talking about, cultural sensitivity?

24 MR. SHINAGAWA: Let me address that in odd ways.
25 Mr. Kuan Kao -- and I have to be specific in this particular
26 case -- was presumed to be a martial arts expert and there

1 was already a stereotype about that. At the very first, the
2 next day, what happened is that there will be a press
3 release that will indicate that he may have been using this
4 weapon in a martial arts fashion and so on. How do we know
5 this? This is a stereotype. It's presumptive. It's
6 something that many people have about stereotypes about
7 Asian-Americans.

8 Let me say something about Sonoma County. The
9 majority of African-Americans in Sonoma County are middle
10 class or upper middle class. Most of the Latino population
11 is lower middle class. The majority of Asian-Americans here
12 are middle class and higher here. Many of them are highly
13 cultured and highly versed in the English language.

14 The kind of stereotypes that we have about
15 Asian-Americans and African-Americans and Native Americans
16 and all of these other persons of color -- and many times
17 white working class members, too -- is that they're
18 illiterate, that they have some social problems of various
19 sorts. And these kinds of images don't fit the reality all
20 the time of most of the citizenry of these constituencies
21 here in Sonoma County. It may fit some of them and it
22 certainly is reflective of it, but it is not all of them.

23 When people act upon their prejudices and when
24 they act upon their presumptions, I think we have a
25 situation that could be very, very deadly. We need to have
26 the kind of cultural sensitivity to be aware that culture is

1 more than just about race or about ethnicity. Culture is
2 about gender. It's about socioeconomic background. It's
3 about where people are moving to and so on and what their
4 lifestyles are and where they're aspiring to. It's much
5 further than what our simplistic notions might be in our
6 opinions in the past about what race is.

7 The African-American community is no longer what
8 it was in the past. It's changing very markedly. There's
9 an under class, there's also a very well-to-do middle class
10 more and more so. These kinds of realities are changing.
11 Our perceptions, however, are still mired in the '50s, '60s
12 and it hasn't changed as much as it should.

13 I think it's very important for us to realize that
14 we are living in a multi-racial society, that we are living
15 in a multi-class society, and that there are an increasing
16 mix of native-born as well as U.S.-born persons -- as well
17 as foreign-born persons here in the United States. And we
18 need to have the kind of training that will give that kind
19 of attentiveness to this.

20 I know I can't say that I think that directly they
21 should keep every bit of this in mind whenever they're
22 acting upon any particular incident. That's a lot to do.
23 In particular when we're talking about an incident in which
24 one has to take a lot of action. All I'm saying is that
25 think twice, in a sense. Have the ability to have the
26 knowledge, to have the training prior to the incident so

1 that you could lessen the types of stereotypes that might
2 affect the situation.

3 MR. HERNANDEZ: I'm going to have to move to
4 Commissioner Lee. Commissioner.

5 MS. LEE: Thank you. I have a question for
6 Professor Shinagawa.

7 You provide diversity training to law enforcement
8 officers. Are they mandatory or voluntary or how extensive
9 are your training programs?

10 MR. SHINAGAWA: I participated as a training
11 officer in a group of persons who are providing that kind of
12 training in Sonoma County. I did that during the time
13 period of 1992 to 1994, I believe. And during that time,
14 what happened was that I focused primarily on -- my
15 attentions on the Asian-American community concerns.

16 My own feeling is that that type of training in
17 particular was not as sufficient for the changing realities
18 of Sonoma County in California as it could have been. I
19 would have preferred that rather than to have the training
20 which would have one person and a dog and pony show talk
21 about Native Americans, another person do it about lesbians
22 and gays, and another person doing it about
23 African-Americans that, instead, we have more of a holistic,
24 more synthetic, more broad-based and comparative approach to
25 how to deal with these types of situations. And to include
26 class in the kind of training that would occur.

1 Currently I do believe that it is mandatory here
2 in this area in most of the jurisdictions. I had the
3 presumption, at least, that it was in Sonoma County at the
4 time that I was doing it. Thank you.

5 MR. HERNANDEZ: I'd like to ask a question.

6 I think a couple of you alluded to the fact that
7 the press has not been accurately reporting some of these
8 incidences. Could you talk a little bit about that or some
9 of the experiences you might have had. Is this basically
10 the local press or is it the press in general? What were
11 you referring to there in your remarks?

12 MS. ANDERSON: I was referring to one piece,
13 specifically an editorial that was written about the Peace
14 and Justice Center. At one point it referred to saying that
15 the community was stupid and ungrateful with their questions
16 of law enforcement and their procedures, which showed a bias
17 to their perspective.

18 A lot of the community concern and activities have
19 been excluded from some of the local press. I should also
20 add some of it has really gone out of its way to cover it.
21 Some of the stories recently about the Commission coming
22 have been very slanted towards the law enforcement, around
23 the subpoenas, and not gathering full information about
24 certain incidents.

25 After a critical incident, the press will go to a
26 press conference put on by law enforcement and primarily the

1 coverage the next day is mostly what they recovered from
2 that press conference and not from investigative reporting
3 and actually speaking to eyewitnesses who would be able to
4 give them a different side to the story as well.

5 MS. VOLKART: I share in Elisabeth's comments and
6 also would add that there seems to have been a concerted
7 effort to define those of us who are asking for independent
8 review, who are pushing for an improvement in law
9 enforcement, as being law enforcement critics. Or fringe
10 elements. Or out of the mainstream. And I very much
11 believe that that tends to disenfranchise what really is, in
12 my view, the operation of good government. This is my
13 responsibility as a member in this community to try to make
14 it the best place I can, to be sure that law enforcement
15 standards are as high as the standards that my community
16 holds.

17 MR. HERNANDEZ: Yes?

18 MS. SPANOS-HAWKEY: Dr. Shinagawa, you touched on
19 the cultural diversity training. And I was curious, out of
20 the 11 jurisdictions, how many of those jurisdictions
21 recently or on an ongoing basis have had this occur?

22 MR. SHINAGAWA: I've been looking at some of the
23 documents that have been available to me. Let me say very
24 clearly that it's extremely difficult for me to receive any
25 of these documents from the jurisdictions. Some of them
26 have been forthcoming, some jurisdictions, such as

1 Santa Rosa, have been very willing to provide that. Other
2 jurisdictions are very unwilling, and it is very difficult
3 to get that information.

4 I will say that the majority of jurisdictions have
5 some form of training and that may not necessarily be called
6 "cultural sensitivity" in particular. In most instances,
7 that kind of training, however, is one done by professionals
8 either within their own ranks or by specialists that they
9 hire. But very few times is it a training which involves
10 community members of a variety of communities in the
11 jurisdiction to participate.

12 In my opinion, it would be extremely useful to get
13 the insights and the clarity of some of these community
14 members, some of the community leaders, to say something
15 about what some of those concerns of the community are.
16 What cultural stereotypes that people may hold in these
17 communities and so on. I recommend that very, very highly
18 in any kind of training or seminar.

19 MS. SPANOS-HAWKEY: I would request that each
20 jurisdiction that comes in today and talks about their
21 program also include that in their comments because I'm very
22 curious about who is doing your training and how it's
23 working out and for how long and so forth.

24 MR. HERNANDEZ: Yes?

25 MS. HESSE: Deborah Hesse.

26 You talked about, you referred today about

1 training and equipment of the police forces and Sheriff's
2 Office. I'm curious. Does any of your community groups
3 have input into the budgetary priorities of the Sheriff's
4 Department or local police departments?

5 MS. VOLKART: I do not have any direct knowledge
6 about the budgetary concerns except to note that in the
7 Sheriff's Department there have been, I believe, about seven
8 discrimination lawsuits brought, civil lawsuits brought,
9 that have resulted in payment of four, and there still are
10 others pending. When you consider, as you'll hear from the
11 future community speaker, the very, very pitifully small
12 number of woman who are working in the Sheriff's Office who
13 are in uniform and you compare that to the number of
14 discrimination claims, there is a significant liability
15 exposure of law enforcement for not having procedures that
16 encourage a hostile-free environment and encourage
17 nondiscriminatory practices against women and other
18 minorities.

19 MR. HERNANDEZ: Thank you very much. I have to
20 leave it there.

21 MS. HESSE: I have just one quick question.

22 MR. HERNANDEZ: I'll ask -- Just one? Okay.

23 I'm trying to keep us on schedule.

24 MS. HESSE: Okay. All right.

25 Q You mentioned the Grand Jury review as one of the
26 new procedures of officers-related deaths -- related citizen

1 deaths. In this press release that you received, was there
2 any information as to whether or not the Grand Jury budget
3 had been increased to this new activity? And you mentioned
4 that they're not really independent, they're dependent on
5 County Counsel. In large counties, the Grand Jury has a
6 separate budget. Do you know if they increased the budget
7 to handle this new responsibility?

8 MS. VOLKART: I would note that the Grand Jury has
9 always had the jurisdiction to be able to step in and
10 investigate law enforcement in this county. So this is not,
11 though it has been cast by law enforcement as a new way to
12 begin to review critical incidents in this county, the Grand
13 Jury has always had this as one of their responsibilities.

14 So -- and specifically, with regard to the press
15 release in which we learned that specific policies are going
16 to be put in place for a systematic review of every critical
17 incident involving death or serious injury at the hands of
18 law enforcement, there was no mention whether there would be
19 additional staffing, whether there would be any additional
20 budgetary impacts, such as independent investigators who
21 would be working at the behest of the Grand Jury to go out
22 and do independent investigations, whether there would be
23 professional staff, money for expert witnesses to come in,
24 take a look at procedures and policies. None of that was
25 mentioned at all. Nor have we seen anything in writing.
26 But I would suggest that this Committee might be interested

1 in asking for any documents relating to that new policy
2 which may reflect the budgetary concerns that you're
3 raising.

4 MR. HERNANDEZ: Thank you very much. I'm going to
5 bring this panel to a close in the interest of time and
6 given all of the other. . .

7 And I want to thank you very much for your
8 testimony today.

9 I'm going to also ask that we rotate, then, the
10 participants. We will ask those of you that have
11 participated in this panel to please give up your seats so
12 that other members of the community may come in and
13 participate as well.

14 (Inaudible question from the audience.)

15 MR. HERNANDEZ: Give up their seats so that other
16 people can go, and I don't have to call the officers in here
17 to do it for me. So if you can do that. And then that way,
18 we don't have to get hard-nosed about this.

19 The U.S. Commission on Civil Rights staff is
20 taking names for people who would like to give a statement
21 later this afternoon, from 4:00 to 5:00. You should have
22 your name on this list by 3:30.

23 The next panel. And I think what I'll do is just
24 ask all three panelists to come forward and then we'll go in
25 the order that I call. I'd like to call forward Tanya
26 Brannan, Steve Campbell and Karen Saari -- Is that correct?

1 For the record, will you please state your name,
2 your title, and your organization. And I'd like to begin
3 the panel with Tanya Brannan. About 10 minutes.

4 MS. BRANNAN: All right. My name is Tanya
5 Brannan. I don't have a title. I'm a Purple Beret. I work
6 with the women's organization called the Purple Berets.
7 We're a grassroots women's rights group who have spent the
8 last six years monitoring law enforcement and, in
9 particular, their response to gender-based violence;
10 domestic violence, sexual assault, child sexual assault.

11 In our direct advocacy for victims of these
12 crimes, we participated in many meetings with police and
13 district attorney personnel and we witness the criminal
14 justice process from start to finish. We've also had our
15 own direct experiences with law enforcement in our
16 organizing for structural changes in the system to make it
17 more amenable to women victims.

18 I'd like to use one case as a way of highlighting
19 the problems that exist for women vis-a-vis law enforcement
20 in our county. On April 15th, 1996, Teresa Macias, a
21 36-year-old mother of three, was murdered by her husband,
22 Avalino, who then shot Teresa's mother before killing
23 himself. Three days later, the newspaper headlines read:
24 "Cops Wrap up Investigation." And that was to have been the
25 last we were ever to hear of Teresa Macias. But instead,
26 Marie DeSantos of the Sonoma County Women Against Rape and

1 myself investigated Teresa's previous contacts with law
2 enforcement. And we found that there were many.

3 Nearly a year before her murder, she had reported
4 Avalino's physical and sexual abuse of her children. A
5 criminal investigation was opened, no charges were filed.
6 It was left as a social work problem with CPS rather than a
7 criminal problem. Her situation worsening, Teresa then
8 obtained a restraining order three months before her death.
9 In her declaration for the order, she described not only the
10 child abuse but the violence against her which included
11 rape, battery, death threats against her and her family.

12 Between the date of the first restraining order
13 and the time she was murdered, we can document at least 22
14 times that Teresa turned to law enforcement for help.
15 Despite a mandatory arrest policy on restraining order
16 violations, Avalino was never arrested. And, in fact, only
17 two police reports were ever written.

18 When the case hit the press, the lies from law
19 enforcement began. The Sheriff's Department story about
20 their prior contracts with Teresa changed almost daily.
21 First, they'd only had two. Then it was four. Then it was
22 seven. Then they released 9-1-1 tapes of calls that were
23 not included in the seven. They lied about knowing she was
24 in danger. And the DA lied about why he didn't file on the
25 only two reports he ever saw. The Sheriff even lied about a
26 California Attorney General investigation to be

1 investigating the Macias case even when the Attorney General
2 said, "It's not true, we're not investigating the Macias
3 case; we were never asked to."

4 The AG did, however, launch the first of two
5 investigations into domestic violence policies and
6 procedures. Both investigations turned up glaring
7 ineptitude. And, more importantly, had deep-seated
8 attitudes that virtually assured continued failures of the
9 system for women. Many very good recommendations were put
10 on paper. Most never went further than that.

11 Finally, the family, despairing of change coming
12 in any other way, filed a civil rights lawsuit. Since then,
13 we've had a lot of attention to domestic violence in our
14 county, some of which undoubtedly has yielded change for the
15 better. But we've also had five more domestic violence
16 homicides and our work with women victims shows us that most
17 problems continue unabated.

18 For example, the failure even after the Macias
19 case to enforce restraining orders. Everything we as a
20 culture know about domestic violence tells us that the way
21 to end domestic violence homicide is to treat the violence
22 partially at its beginning and particularly violations of
23 restraining orders. Yet, despite a mandatory arrest policy,
24 I have never heard of a violator being arrested if his only
25 crime was violating a restraining order. And I'm currently
26 working with a victim whose expartner has violated now 15

1 times. He's still not in jail. And the prosecutor is
2 indignant that the victim wants him in jail. In fact, an
3 assistant district attorney told her he thinks the
4 perpetrator is not dangerous, but only young and immature.
5 This is after Macias. This is after Attorney General
6 investigations. This is after the community has become
7 (inaudible).

8 We also continue to see police reports that only
9 vaguely resemble the incident they're documenting. Key
10 information, including physical evidence provided to police
11 on the scene, is not mentioned or is so distorted as to be
12 meaningless. In one recent domestic violence case, the
13 victim's words appeared in the report as statements made by
14 the perpetrator.

15 Victims' rights are constantly being violated by
16 police and district attorney personnel. We see victims
17 denied their right to have an advocate present in interviews
18 with law enforcement in defiance of the law.

19 I was recently denied access to information on a
20 case handled by the Sheriff's Department despite the
21 victim's written notification that they were to communicate
22 with me. The lieutenant stated that this was not a case
23 that he felt required an advocate. Clearly, this is not a
24 decision not for law enforcement but for the victim. And in
25 this case, this victim was emotionally disabled and lived in
26 another state. Without an advocate, she was powerless.

1 Victims are lied to and blamed for the alleged
2 problems that make their cases unprosecutable, treated with
3 disrespect and outright disdain, discouraged from getting
4 outside help when things go wrong.

5 I've seen a 15-year-old gang rape victim denied
6 her right to have her mother in court when she testified
7 despite a specific provision in the California Penal Code
8 that allowed for the mother's presence. And in utter
9 disregard for the safety of the victim, we continue to see
10 the DA's Office refuse to give stay-away orders in domestic
11 violence cases despite our repeated public and private
12 requests and repeated assurances that they would be.

13 Our domestic violence sexual assault vertical
14 prosecution team has never been weaker with only two
15 prosecutors working felony cases, down from four. And one
16 of the two was removed from the team after repeated
17 complaints by advocates of his dumping cases and lying to
18 victims.

19 While I know that the main focus of your inquiry
20 here is into police behavior, I urge you not to forget the
21 critical role that the District Attorney's Office plays in
22 all of these issues. If the DA has a pattern of not filing
23 on certain types of cases, arrests for those incidents
24 decline. If the DA has a pattern of asking only for
25 probation and no jail time on restraining order violations,
26 judges almost always go along. If the DA rubber-stamps

1 every police shooting as justified, the shootings continue
2 unabated.

3 Certainly, our problems here with the District
4 Attorney's Office are equally as serious, equally as
5 dangerous as our problems with police and sheriff.

6 We also have the issue of the coddling of known
7 police officers and prosecutors who have been shown to be
8 problems. As a women's advocate, three recent examples are
9 of particular concern to me.

10 Two brothers, both sheriffs deputies, were the
11 subject of domestic violence restraining orders. In one
12 case, the restraining order was filed by an exgirlfriend who
13 reported that the deputy had left a note on her car saying,
14 "You will die, Bitch." Although an internal investigation
15 was launched into the incident, Internal Affairs ruled that
16 no department policies had been violated. The idea that
17 death threats do not violate department policy is
18 appalling.

19 Not surprisingly, it was this same deputy who most
20 often blew off Teresa Macias' more than 20 calls for help.
21 He was IA'd for that, too. And, again, no violation.
22 Finally, only after at least 10 internal investigations and
23 the airing of a San Francisco TV station's investigative
24 report into the deputy, the deputy was fired.

25 His brother was also the subject of a restraining
26 order by his wife whose sworn affidavit detailed a beating

1 where he ripped off her clothes, dragged her downstairs, and
2 beat her head up and down on the floor until he was finally
3 pulled off of her by a roommate. Although this restraining
4 order was served on the deputy by the Sheriff's Department,
5 now Sheriff Jim Piccinini was apparently in the room when it
6 was served, no action was taken against this deputy.

7 Only a year later, after a third party reported
8 the violence and after that same San Francisco TV station
9 investigation was aired, the deputy was convicted of felony
10 spousal abuse.

11 And in a stunning display of opportunism, the
12 District Attorney now holds these cases up as an example of
13 how the system is working to protect domestic violence
14 victims.

15 In the third case, a sheriffs captain was arrested
16 for felony drunk driving when he ran over his wife's head.
17 The captain who at that time was in charge of the Patrol
18 Division, which means he virtually runs the Sheriff's
19 Department, was back at work within a day.

20 Prior to being made head of patrol, this same
21 captain had headed up the Internal Affairs Division. In
22 that capacity, he presided over the IAs on Macias and the on
23 the (inaudible) incident. He also handled many of the
24 female deputies, of which I'll be speaking later, their
25 initial complaints of sexual harassment. And was, in fact,
26 the officer named in several of these sexual harassment

1 complaints.

2 It was only after six months of enormous and
3 highly embarrassing public ridicule that any disciplinary
4 action was taken against the captain. And then I think it
5 was a six-week suspension. He since retired on a
6 service-related disability due to a hearing problem. I
7 guess he couldn't hear his wife yelling, "Stop."

8 In light of these examples, we were not the least
9 bit surprised to learn that no disciplinary action would be
10 taken against Jack Shields after he shot Kuan Kao dead some
11 30 seconds after arriving on the scene. In fact, Shields
12 remains a field training officer in Rohnert Park. We can
13 only expect that under his tutelage, the Kuan Kao case is
14 the look of things to come in that community.

15 MR. HERNANDEZ: One minute.

16 MS. BRANNAN: Okay. Research shows that female
17 police officers respond better to crimes against women, have
18 better communications skills, are better at diffusing
19 potentially violent confrontations and use force less often
20 than male cops. All of these seem to be skills that are
21 sorely needed in Sonoma County law enforcement.

22 Yet, as Larry Shinagawa pointed out, the number of
23 female sworn officers in our county is extremely low. The
24 national average is about 10 percent. Some big city police
25 departments have 30 percent. We have barely 6 percent
26 female. And our Sheriff's Department, the largest, has only

1 seven sworn female deputies in a department of 228.

2 That, in itself, would be bad enough. But that
3 same department had seven sex discrimination complaints
4 lodged against it in just the last two years. We know the
5 problem is more pervasive. Santa Rosa also has some serious
6 sex discrimination problems.

7 In virtually all of the cases where female
8 officers complain of harassment and discrimination, the
9 retaliation against the women is swift and virulent. They
10 suffer even greater and more widespread harassment. They're
11 publicly ridiculed by ranking officers. Their cases are
12 sabotaged by fellow officers. They're put on performance
13 improvement programs while the offenders go undisciplined.

14 Finally, feeling they have no other choice, the
15 women leave. And, believe me. It's not lost on the
16 remaining female cops that the women who reported being
17 harassed are gone and the men they complained about continue
18 to serve.

19 In a move that would be laughable if it weren't so
20 tragic, our sheriff has now introduced a new sexual
21 harassment policy which I'll be providing today. It's
22 patently illegal. It puts all the focus on the woman will
23 be disciplined if she fails to report and not on the man
24 will be disciplined. He then sat down and had individual
25 interviews with every woman in the Jail Division. And at
26 the end of the interview, she was to sign a document if she

1 didn't report harassment, she was to sign a document saying
2 she had not been harassed. This is clearly not to protect
3 the women from harassment but to protect the Sheriff's
4 Department from lawsuits.

5 MR. HERNANDEZ: Okay. I'm going to hold it there
6 and then we'll follow-up with questions.

7 MS. BRANNAN: Thank you.

8 MR. HERNANDEZ: I'm going to ask Steve Campbell to
9 please state your name for the record and your organization.

10 MR. CAMPBELL: Steven Campbell, from the
11 homeless -- the Sonoma County Homeless Coalition. And I'm
12 also -- I've been working as an activist on the streets for
13 the past 10 years and also a community outreach worker.

14 MR. HERNANDEZ: Welcome.

15 MR. CAMPBELL: Thank you, sir. And I would like
16 to speak on the lack of cultural sensitivity and
17 discriminatory law enforcement in Sonoma County.

18 I would like to start by saying that I resent
19 being targeted as a perpetual criminal suspect on what seems
20 to be solely based on my skin color, style of dress and
21 perceived financial status. I believe it is a nonsequitur
22 to assume that a person of African descent who lives in or
23 visits a community with a large percentage of
24 African-American people should be prejudged as being worthy
25 of suspicion which ultimately results in the substantial
26 loss of civil rights and freedoms.

1 People who reside in what I call red line areas
2 are generally people of color, people of rotten poverty, and
3 people surviving on set income, such as General Assistance
4 and Social Security.

5 Statistics prove that drugs are rampant and sold
6 in every neighborhood across the nation. Statistics prove
7 that the percentage of drug use is consistent across the
8 geographic, racial and economic board of roughly 12 percent
9 for each group. Ironically, these groups include the police
10 community.

11 These statistics suggest that it is not reasonable
12 to target any one community as the primary focus of
13 America's drug problems. Yet our police do just that.
14 Citizens who reside in Sonoma County's low rent areas as
15 well as homeless people are often subject to harsh and
16 violent confrontations detentions and humiliation at the
17 hands of Sonoma County police who are using what they call a
18 common profile are given the discretion to suspend a
19 citizen's right to probable cause and right not to be
20 subjected to unreasonable search and seizures and a right to
21 dignity.

22 Although I believe it is true that the lack of
23 ready access to drugs by people of poverty due to lack of
24 resources often create an environment of violence, death and
25 manipulation, I submit the analogy of tuna fishing where the
26 dolphins are caught in the broad nets -- where the dolphins

1 which are caught in the broad nets are alongside the tuna
2 with the -- die alongside the tuna with a total disregard
3 for the ramifications of their actions and shame is apathy
4 regarding the tuna's plight -- dolphin's plight.

5 Sonoma County unwisely bestowed the officers with
6 the discretion to target, detain, question, search and
7 arrest young African-Americans and Latinos for loitering on
8 their own porches and front yards for congregating with
9 their own families, sometimes for returning eye contact to
10 an officer, sometimes for not initiating eye contact with
11 the officer.

12 Far too many people have unnecessarily lost their
13 lives at the hands of overzealous, poorly trained and
14 undersupervised police officers. Far too often are police
15 callous as being unnecessarily harsh for a homicide as a
16 means of expediting a situation which offers multiple
17 alternatives.

18 Too often do officers use stress as an excuse for
19 a murderous and impatient heart. And too often are bad and
20 sadistic police officers protected by their peers under a
21 strict and criminal code -- a criminal code of silence which
22 too many citizens protect. Let me see.

23 It should be realized that for each person
24 unreasonably killed at the hands of our police, scores are
25 tortured, maimed and disabled for life. Many simply to
26 provide entertainment and stress release to sadistic cops.

1 Many, as dolphins, beaten for having the audacity perhaps to
2 confront and question the authority of the force to act and
3 deliver the -- to act and deliver the nebulous discussion.

4 Furthermore, within our jails, prisoners are
5 routinely assaulted by various police agencies. These
6 in-house assaults often involve numerous officers brutally
7 beating one inmate. And though the assaults are done in
8 open view to the entire jail staff, during investigations no
9 officers or support staff persons have the heart to stand up
10 for justice and speak out on the criminal actions of their
11 peers...

12 I personally have been physically assaulted by
13 police in Sonoma County on two separate occasions. Once in
14 Cotati in 1989 in which I received a ruptured vertebrae;
15 another time in Santa Rosa on January 18, 1997. Due to the
16 fact that I have a lawsuit pending regarding this assault in
17 a legal detention, I am not at liberty to discuss this case.
18 I will say, however, the sole charge of resisting arrest was
19 dismissed and the question regarding the fact that the only
20 probable cause to stop, detain, question and search me was
21 my skin color and the area which I was in. After the search
22 was performed and no contraband was found on my person or
23 car, I was still placed under arrest and delivered to the
24 County Jail.

25 I have come to the conclusion that the Sonoma
26 County police departments in tandem are out of control, that

1 their administrators do not have the skill or will to
2 constrain their actions, and that it would serve our
3 communities well to initiate a citizen oversight commission
4 with subpoena power.

5 I also am convinced that officers throughout the
6 County of Sonoma are oblivious to the threat of perjury. I
7 don't believe that they respond to it one bit. I believe an
8 officer found to have committed perjury under oath should be
9 immediately dismissed from the force.

10 Last, but not least, I recommend that criminal
11 charges tantamount to accomplice after the fact be leveled
12 against any police officer or police support staff person
13 who fails to report any and all criminal activity or abuse
14 of power under the color of authority committed by their
15 peers to the committee within a given time span.

16 Thank you.

17 MR. HERNANDEZ: Thank you very much. I'd like to
18 now ask Karen Saari to give her statement.

19 MS. SAARI: My name is Karen Saari. I am a member
20 of a number of police brutality groups -- not police
21 brutality groups, but the group of which I have the most
22 affinity is the October 22nd Coalition.

23 October 22nd is a national collision of activists
24 and family members. We have offices in New York City,
25 Chicago, San Francisco and Los Angeles. We do two things.
26 We sponsor a national day of protest, and we also are

1 sponsors of the Stolen Lives Project.

2 The Stolen Lives Project is a grassroots effort to
3 identify all people involved in police-related deaths in the
4 United States since 1990. And I, when I first became
5 involved with October 22nd, I became very intrigued with
6 this project. When I first started out in this movement I
7 knew very little about the victim's side of the story, and
8 that's what the Stolen Lives Project is all about.

9 And soon after joining, I started doing research.
10 And that was about a little over a year ago. I started
11 doing research on the Internet by scanning Internet
12 newspapers for stories about police brutality in the Bay
13 Area, and I started a database to keep track of what I was
14 finding. Recently, I have expanded my research to include
15 all of California, Oregon, and Utah.

16 In doing this research last summer, I realized
17 that Sonoma County had the highest rate of deaths by police
18 of any county in the Bay Area. I'll just read some of the
19 totals for you. Sonoma County has had 11; Solano County,
20 three; Santa Clara, seven; San Francisco, six; Napa, four;
21 Marin, two; Contra Costa, three; and Alameda none.

22 But Sonoma County is the highest. Even though it
23 doesn't have the highest population, it has the highest
24 number of police-related deaths, according to my research.

25 Because I live in Sonoma County, I've lived here
26 for 25 years, I've had an opportunity to become familiar

1 with the 11 police-related deaths, more familiar with those
2 cases than any other cases but I know them. I've also had
3 an opportunity to meet with the families.

4 I'm going to be talking very briefly about those
5 11 cases because of the time constraints. I will talk about
6 them in categories. We've had a number of police-related
7 deaths as a result of 9-1-1 calls for help. There are three
8 other cases which share similarities with some of those
9 9-1-1 calls that I will point out when I'm talking about
10 them. And I also want to talk about the deaths at the
11 Sonoma County Jail, particularly the heroin-related deaths
12 that occurred in 1997.

13 I will first be talking about the five deaths that
14 occurred as a result of 9-1-1 calls. And one other incident
15 that was about a distressed person that ended up in his
16 death.

17 The five people who died as the result of 9-1-1
18 calls are Kevin Saunders, Dustin Clark, Salomon Hernandez,
19 Corey Goodwin, and Kuan Chung Kao. And I'm going to be very
20 brief with these because I know I don't have a lot of time.
21 So I'm going to be leaving out a lot of things that I think
22 were important.

23 Kevin Saunders was shot and killed by the
24 Santa Rosa police on August 29, 1996. Police were called to
25 his home because he had threatened suicide. There was a
26 short chase and a police officer caught up with him.

1 Eyewitnesses described Kevin as being confused, as being
2 casual. The officer was yelling at Kevin to raise his
3 hands. And he was also yelling at the neighbors to get
4 away. Kevin just wasn't getting it. He wasn't raising his
5 hands. Finally, he did raise his hands. He was mumbling
6 during this interaction. And at one point, he started to
7 lower, he just started to lower his hands, when officer
8 Jesse Rangle shot him three times. Kevin died and he was
9 found to be unarmed.

10 The next 9-1-1 call happened only about a week
11 later. This was Dustin Clark. It was a 9-1-1 call from
12 here in Santa Rosa. They called to report a young man
13 running in the street, high on drugs and naked. The Sonoma
14 County Sheriff's Department responded. The newspaper
15 reports say that within minutes, Dustin had been restrained.
16 And the way in which they restrained him is that they
17 pepper-sprayed him. And when that didn't completely work,
18 they hit him with the battery end of the flashlight. When
19 that didn't completely work, they sicced a police dog on
20 him. His mother, when she picked up his body, reported that
21 there were over five bites.

22 When the police dog had knocked him down for the
23 second time, three officers got on top of him and they
24 hog-tied him. They remained on top of him even when they
25 realized that he was no longer breathing and that he no
26 longer had a pulse. They stayed on top of him until the

1 paramedics arrived and insisted that they get off of him.
2 And then they checked Dustin at that time and he was
3 lifeless. He was revived twice but he died later that
4 night.

5 The third case of a 9-1-1 call was on
6 February 15th of 1997. Salomon Hernandez had gone to a
7 local gas station. He bought \$5 worth of gas and he left
8 without paying for it. After he left the gas station, I
9 think within 15 minutes or so, he realized that he had
10 forgotten to pay and returned to the gas station. In the
11 meantime, the cashier had reported this nonpayment of \$5 to
12 the police and had called the police. And when Salomon paid
13 it, he asked the clerk to cancel the call and the clerk
14 wouldn't cancel it. Salomon got very angry and he pulled
15 out, according to the police reports, he pulled out a
16 screwdriver and he threatened the cashier with the
17 screwdriver.

18 In the meantime the cop arrived, Salomon got back
19 in his car, he was interviewed by the police officer. The
20 police officer went and interviewed the cashier. He was
21 returning to the car to do a body search of Salomon. I
22 guess Salomon was out of the car. According to the police
23 officer, Salomon attacked the police officer with the head
24 of the screwdriver and Officer Goldschlag shot and killed
25 him. Shot him three times and killed him. Officer
26 Goldschlag also killed David Lansing in 1989.

1 The next case was only about nine days later.
2 There was a 9-1-1 call, this time in Rohnert Park, about a
3 man in an apartment shooting randomly in the street. The
4 Sheriff's SWAT team responded to that call. They evacuated
5 an area -- there was a lot of apartments. They evacuated
6 the apartments. There was about a six-hour standoff. At
7 the end of six hours, the Sheriff's SWAT team decided to
8 throw a tear gas canister into the apartment where Corey
9 Goodwin was hold up. They knew that this would very likely
10 start a fire. They had already called the fire department
11 before they threw the tear gas canister.

12 They threw the tear gas canister and it started
13 the fire. As far as I know, no effort was made to rescue
14 Corey Goodwin from the fire. When the fire was out, they
15 went in and Corey Goodwin had died of smoke inhalation and
16 burns.

17 Two months later, there was another 9-1-1 call.
18 This was about Kuan Chung Kao. Kuan Chung Kao had been out
19 drinking that night. He had been subjected to a number of
20 racial slurs, he was very upset. The police had been
21 called. The police had refused to arrest the people who had
22 been badgering him. He was taken home in a cab. He was
23 outside of his house. He was attacked -- down in the
24 street, kneeling. He was begging his neighbors for help.

25 There were many 9-1-1 calls. Two police cars
26 arrived. They arrived without their sirens on, they arrived

1 without their overhead lights on. They shone their
2 headlights onto Kuan Chung Kao's face and drove at him as if
3 they were going to run him over. Apparently, this was
4 intended to frighten him into dropping the stick that he was
5 holding. It only served to make him angry.

6 One of the police officers decided to wait for
7 backup. Another police officer decided to get out of his
8 car. Got out of his car. He claimed that Kuan Chung Kao
9 was going to kill him with a six-foot, three-quarter inch
10 diameter pole and he shot him and he killed him less than 34
11 seconds after he arrived on the scene.

12 MR. HERNANDEZ: I need to interrupt you just for a
13 second to give her a chance to change the tape. So if
14 you'll just hang on a second for one of our technical
15 problems. I want to make sure we get everything on the
16 record.

17 (Off the record.)

18 MR. HERNANDEZ: All right. You may continue.

19 MS. SAARI: These were the five deaths that
20 resulted from the 9-1-1 calls for help. None of these
21 persons were criminals. All of them were in some kind --
22 were having some kind of psychiatric episode. As far as I
23 can tell -- I mean, in four of the cases, the people were
24 killed within minutes of the arrival of the police
25 department -- the police officials on the scene.

26 Something seems to happen when the police get into

1 a situation. The situation doesn't recede. It, in fact,
2 escalates to the point where the person seems to appear very
3 threatened and it escalates to the point that the police
4 officer seems to feel that he needs to employ deadly force.

5 In the case of Corey Goodwin, a considerable
6 amount of time had passed. But as far as I can tell, no
7 effort was made to call in some kind of psychologist to talk
8 him down and to deal with his situation as a psychiatric
9 problem.

10 MR. HERNANDEZ: Okay. Can I ask you just to wind
11 up in about a minute so that we can get the panelists to ask
12 questions.

13 MS. SAARI: Okay. I'm going to talk about another
14 death, Sonoma County Jail deaths. There have been a number
15 of deaths at the Sonoma County Jail. Since 1990, the only
16 three that I really have information about are the three
17 that occurred in 1997.

18 Each of those people were heroin addicts. And
19 they went to the jail. They were okay when they got at the
20 jail. But very soon after arriving at the jail -- Joanie
21 Holmes died within three days of arriving at the jail. John
22 Banks was at the jail for about four days. He was released;
23 he died within six hours after leaving the jail. Kenneth
24 Stra arrived at the jail and he died within 27 hours. All
25 of these people were heroin addicts and I don't think that
26 they received any kind of treatment for heroin withdrawal

1 while they were at the jail.

2 I think -- I also want to mention that these 11
3 deaths are really just the tip of the iceberg. Tanya and
4 Steven have talked a little bit about what is beneath all of
5 this. I'm very concerned about the implications of this,
6 how much harassment is going on in this county, how many
7 beatings are going on in this county. A number of people
8 are very much afraid of the police. A number of people are
9 distrustful of the police. We have a lot of very serious
10 concerns.

11 Thank you.

12 MR. HERNANDEZ: Thank you very much. And I'm
13 going to start at this side of the panel for questions
14 because I know. . .

15 Okay. Mitch Pomerantz.

16 MR. POMERANTZ: Yeah. I'd like some clarification
17 from Ms. Saari regarding those statistics. Alameda County
18 and San Francisco County are pretty high-crime areas.
19 Perhaps you could clarify over what period of time those
20 statistics cover and more information, perhaps, on how
21 that data was gathered. It just sounds a little
22 incomplete.

23 MS. SAARI: It may be. This is grassroots
24 research. It's research that I do on the Internet. I
25 personally only started doing this research myself about a
26 year ago. I got better at it as time went by. I got more

1 thorough at it I'm not the Justice Department; I'm a person
2 with a computer. So it's the best that I have.

3 MS. BRANNAN: If I could add. When Mr. Kao was
4 shot, we were writing an article about it. And one of the
5 things I did to make some kind of comparison was I called
6 Oakland. And at that time I think we'd had seven deaths in
7 the last -- or maybe it was six deaths in the last two
8 years. Oakland had had zero. So I don't think her stats
9 are that far off.

10 MR. HERNANDEZ: Ms. Hesse?

11 MS. HESSE: Okay. Real quickly.

12 Ms. Brannan, you talked about the restraining
13 order activities. What years did those occur? Was this
14 last year?

15 MS. BRANNAN: Teresa Macias was in 1996. The case
16 that I'm working on now is in court right now. These
17 occur -- have occurred -- are cases in the last few months.

18 Q Isn't there a Penal Code section that prohibits
19 anyone from having a gun permit if a restraining order has
20 been filed against the individual?

21 MS. BRANNAN: Yes, that's true. And it certainly
22 came into play with these police officers. I know that's
23 why one of them fought so hard to try to get his case
24 dropped. Because, as a police officer, he'll never be a cop
25 again, which is a very good thing.

26 He is also an officer who had complaints of

1 domestic violence victims to whose calls he responded. And
2 he was arrogant, he made denigrating comments about how
3 women are more often responsible for domestic violence than
4 men, and things likes that. So good riddance.

5 MR. HERNANDEZ: Commissioner Lee?

6 MS. LEE: I have a couple of questions.

7 The first one: Have any one of you or are you
8 aware of any groups that have been contacted by the law
9 enforcement agencies to help them in terms of police
10 recruitment and police training? That's question No. 1.

11 Question No. 2 is: For the victims who have filed
12 complaints, what kind of treatment have they gotten? What
13 kind of information have they been getting? Any
14 follow-ups? Basically, after they file the complaint, what
15 happens to them?

16 MS. BRANNAN: Okay. I can take the first
17 question. No, law enforcement has not been connecting with
18 any of these groups trying to get help with the diversity
19 issues.

20 In fact, we had set up a meeting -- we'd been
21 having ongoing meetings with the Sheriff's Department. And
22 when we were talking about what do we want to talk about at
23 the next meeting, we decided it would be about women in law
24 enforcement. And when we made that decision, I said, "You
25 know, I'd really like to open this to a broader segment of
26 the community. I know there are a lot of other women who

1 are interested in this issue." They said, "Fine."

2 We set up a meeting of 15 women in leadership
3 positions in the women's community. The Sheriff's
4 Department was to bring in their recruiters, their trainers
5 so that we could just look at the whole thing. You know,
6 how they recruit, how they promote, what's the testing look
7 like, where are women getting shut out, and how do we fix
8 it? The meeting was first postponed twice and then it was
9 canceled by the Sheriff's Department.

10 Since that time, a formal task force on women in
11 policing has been formed, and that task force then went to
12 the Sheriff's Department and said, "We're concerned that
13 this meeting was canceled. We as the task force would like
14 to meet with you with these same ideas in mind." They've
15 received no response. They've refused to meet with them.

16 So, I mean, what we've seen is the community is
17 just blown off. They don't really want our input. They
18 don't want -- I mean, it appears that they want things to go
19 on as they are.

20 What was your second question? Oh, complaints.

21 MS. SAARI: I have a response to that, to the
22 second part of your question.

23 I work with the families of the victims of the
24 shootings. Dale Hughes was shot and killed by the
25 Santa Rosa Police Department last November. The police
26 department claims that Dale had shot at them and that's why

1 they killed him. The family still has not received the
2 police report from the police department or the District
3 Attorney, and it's been three months. It was three months
4 yesterday, and they still have not received the report.

5 It's a very serious charge against their son, and
6 they have received no evidence of those police claims to
7 date.

8 MS. BRANNAN: We're also -- I don't know if you've
9 seen a copy of the Grand Jury report. But we we've had two
10 separate Grand Jury investigations that criticized the
11 Sheriff's Department for their complaint procedure. It's
12 almost impossible to figure out how to make complaints.
13 When you do, they don't know where -- you don't get advised
14 back. This is continuing despite two Grand Jury reports
15 criticizing them for that.

16 We just had another incident, and I think he'll be
17 testifying in the public hearing later today, of a man who
18 was harassed by the police when he called the Santa Rosa
19 Police. He wanted to file a complaint. He made repeated
20 contacts with the police. He was discouraged again and
21 again. He was told, "Well, look; I'm the guy that's going
22 to review your complaint, and I can already tell you I don't
23 think it has any merit. So I don't think you need to bother
24 to file a formal complaint." He had to insist on getting
25 the forms to file a formal complaint and hand it over to a
26 man who has already prejudged it without reading it.

1 So the situation for citizen complaints is
2 abominable.

3 MR. HERNANDEZ: Ms. Buitrago?

4 MS. BUITRAGO: Yes. I have two requests of
5 Ms. Brannan. One is you may already have the Grand
6 Jury reports. But if you don't, can you provide that for
7 us.

8 And, also, I would be interested in getting some
9 of the research documents that you talked about, the effects
10 of hiring females, what effect it has on the way the police
11 behaves in terms of public safety issues.

12 MS. BRANNAN: Okay. I do have a packet to give to
13 you today. I don't think the Grand Jury report is in it,
14 but we can definitely get that to you. And the
15 information -- In fact, it's right here. And much of the
16 information -- One good place to look at the information on
17 female police officers is the Christopher Commission did a
18 report of Los Angeles police in the wake of the Rodney King
19 incident.

20 And that -- One of the things that they showed in
21 that report was about -- I think it was 120 officers with
22 the most complaints of police brutality against them. Not
23 one was a female. And yet, women were not reluctant to use
24 force when necessary. So the evidence is very, very
25 compelling.

26 MR. HERNANDEZ: Ms. Fua?

1 MS. FUA: What recommendations do you all have for
2 how things can be changed? Concrete, you know, suggestions

3 MS. BRANNAN: My primary recommendation -- We had
4 an Attorney General investigation. They made
5 recommendations. Most of them have not been implemented.
6 We had a Blue Ribbon Commission report. They made many good
7 recommendations. They haven't been implemented.

8 Our concern is when things stay on the
9 recommendation level -- and I understand the power you have
10 is recommendations -- that nothing really changes. We've
11 got rooms full of recommendations.

12 So what I would really ask that this panel
13 recommend is that the Department of Justice, Civil Rights
14 Division, open an investigation into Sonoma County law
15 enforcement to investigate whether we indeed have pattern
16 and practice of police misconduct. In two ways. In the
17 police brutality issue and in the sex discrimination issue
18 on the police forces.

19 I know that DOJ has the power to do that. If they
20 find that pattern of discrimination, they can come into this
21 county and make things change. And that's what it's going
22 to take. You know, the sugar and the honey has done
23 nothing. It's time for the stick from the government.

24 You know, the other thing that I really want to
25 say is that the fact that the Civil Rights Commission is
26 here, it's so appropriate. I mean, in the same way that the

1 federal government had to come in in the South -- and I grew
2 up in the South -- had to come in in the South in order to
3 break through the tightly knit racist community. We're in
4 that same situation.

5 We have a very tightly knit, closed community
6 controlled by law enforcement. A very compliant daily paper
7 that mouths whatever law enforcement wants them to say. And
8 for we, as the community, to get the truth out about what is
9 going on here has been almost impossible.

10 So the importance of you being here and of you
11 communicating what you see here and what you learn here, I
12 can't overstress how important it is. We really appreciate
13 it.

14 MR. HERNANDEZ: Are you saying that the newspaper
15 is in league with law enforcement at the --

16 MS. BRANNAN: Absolutely. And, you know, I know
17 it sounds like a conspiracy, but they have been active
18 players. They not only don't report barely, but they have
19 been active players in most of the political struggles that
20 I've been involved in in this community.

21 We've seen them again and again -- and in the
22 police killings, what we're seeing is they give all the room
23 in the world for law enforcement. I mean, we just had a
24 two-page -- huge two-page article by Police Chief Mike
25 Dunbaugh telling how much it hurts a police officer when he
26 shoots someone dead. But we can hardly get a letter to the

1 editor in.

2 And what the reporting in the Press Democrat -- I
3 might as well say the name -- has been just incredibly in
4 favor of the police and demonizing the victims. Even
5 domestic violence victims. What we read about domestic
6 violence victims is: "Oh, well; she just wanted too much
7 too fast. She should have gotten away from that guy but she
8 wanted his money." You know, come on. We had a 12-year-old
9 child whose body was thrown off a freeway overpass and the
10 Press Democrat demonized that child.

11 So, yes, our local daily newspaper is definitely
12 in league with law enforcement. They print anything that
13 law enforcement wants printed and suppress the voice of the
14 community again and again and again.

15 MR. HERNANDEZ: Yes?

16 MS. SAARI: Could I make a response to your
17 question about what can be done?

18 MR. HERNANDEZ: Let me ask Ms. Hawkey first and
19 then we'll let you respond. Because I've got to get the
20 members of the panel.

21 MS. SPANOS-HAWKEY: I'm not in favor of the
22 vilifying all of the law enforcement folks in Sonoma County,
23 but I do have a question.

24 How long are they to wait before they make the
25 decision that their life is in danger or those around them
26 are in danger? I mean, what is the scenario that you see?

1 Many times an officer who takes a little bit longer than a
2 millisecond ends up dead. So, I mean, there needs to be a
3 balance here.

4 MS. SAARI: Usually not from a screwdriver or a
5 six-foot wooden pole. And my feeling is that Officer
6 Goldschlag could have protected himself from a screwdriver
7 by simply backing up. A screwdriver doesn't shoot the way a
8 gun does. It doesn't go off the way a bomb does. The same
9 is true for the six-foot pole.

10 Kevin Saunders wasn't even armed. There was a
11 situation with Dale Robbins in the police station supposedly
12 yielding a club. There were four officers there. As far as
13 I can tell, no effort was made to physically restrain him.
14 They pepper-sprayed him, they hit him with a baton and then
15 they shot him dead. But nobody made any effort to
16 physically restrain him. They wouldn't have -- you know, a
17 club is not the same as a gun. And I think some effort
18 should be made to physically restrain.

19 No effort was made to physically restrain Dustin
20 Clark. They just went in with pepper spray, they went in
21 with a flashlight and then sicced a police dog on him. They
22 never tried to physically restrain him. He was very
23 vulnerable. He was high on drugs. He was completely naked.

24 And what I'm saying is that -- I personally think
25 that some effort should be made towards physically
26 restraining people yielding screwdrivers and poles. A gun

1 is a different story. But with a screwdriver, with a pole,
2 a club -- even a club. That's my personal feeling about
3 it. Too many people are dying.

4 MS. BRANNAN: I think when we look, in particular,
5 at the killing of Mr. Kao, what all of the investigation has
6 looked at is that moment when the police allege that Kuan
7 Kao was coming at them with a stick and having to make that
8 decision to shoot.

9 What they -- What none of them looked at is what
10 the police did to escalate it to that shoot-or-don't-shoot
11 situation. And they did escalate it. If you read the
12 reports, if you read the background on that case, there's no
13 doubt in my mind that they created that situation.

14 It would have been very easy for Jack Shields to
15 do what his fellow officer, the first on the scene and the
16 guy that was in charge told him to do. And that is: "Back
17 up, wait for backup. Don't get out of your car." So
18 there's no doubt that Jack Shields escalated that situation
19 unnecessarily.

20 Once he did that, then maybe he did feel like his
21 life was threatened and he had to shoot. But it didn't have
22 to go there.

23 MR. HERNANDEZ: This would be the final question
24 from the panel -- from our panel.

25 MR. CARNEY: I'm concerned with the comment that
26 Ms. Saari just made about the individual in the jail. And,

1 also, I just want to comment regarding the officer's perjury
2 that the gentleman, Mr. Campbell, commented about.

3 And my question mainly is in the rhetorical sense
4 in that regard is: Has the District Attorney's Office been
5 questioned about this and did you give an accounting of what
6 they are doing or are they taking any action at all?

7 Now, with respect to the -- my only comment with
8 respect to the individual in the jail, your inquiry about
9 lack of physical or attempt at physical restraint. You
10 commented about pepper spray and a baton and the use of a
11 dog.

12 Are you requiring the officers to go in there and
13 get into physical combat with somebody that is acting in a
14 bizarre manner and endanger their own safety? I don't think
15 that when they take the oath to be police officers, that
16 they're required to go in there and put their life on the
17 line in circumstances like this.

18 I'm not saying that deadly force is the answer,
19 but I don't think that -- I mean, you're talking about
20 attempts at physical restraint. It sounds like to me that
21 they did that. And it's at what point do you stop and then
22 initiate the use of deadly force?

23 Again, I don't know all of the facts of the
24 situation. I'm just making a comment, really. And I think
25 that you have police officers, especially in the days of
26 PCP, where people were acting in an incredibly bizarre

1 manner, the police officer is stuck in a position of having
2 to evaluate the circumstances; and then is he the one that
3 has to go out and get into a fist fight?

4 It's not the Marquis of Queensberry rules out
5 there. And whether it's in the jailhouse or not.

6 I'm not condoning the officers' actions. I'm just
7 making a comment about what you said. I think it sounds
8 like the officers made efforts to physically restrain the
9 individual and they weren't successful. Maybe they weren't
10 prudent in their decision of shooting him. But, you know, I
11 wasn't there and I can't tell and I don't have all of the
12 facts. And I'm not going to make --

13 MS. SAARI: Are you talking -- I'm not following
14 which incident you're talking about. Are you --

15 MR. CARNEY: I'm talking about the jail incident
16 where the individual -- no attempt to physically restrain
17 the person.

18 MS. SAARI: That was the police lobby.

19 MR. CARNEY: Okay. Again, you're still talking
20 about attempts were apparently made. And it's at what point
21 do you ask the police officer to go in there and suffer a
22 beating?

23 I mean, you're not putting gloves on. There is no
24 referee out there to, you know, say, "Okay. It's time to go
25 to your neutral corners," et cetera. And, again, I don't
26 have the facts. I don't know if you have all of the .

1 facts --

2 MS. SAARI: Nobody does.

3 MR. CARNEY: Okay. Well, that's the problem we
4 deal with and that's why we try to ferret out some of this
5 business.

6 And, again, I don't think that the oath the
7 officer takes puts -- I'm sorry. That he is required at
8 that point to put himself in physical jeopardy at that
9 point. I think that there has to be some line of
10 demarcation there. And, again, whether deadly force is the
11 answer, I'm not sure. Again, I wasn't there. But it does
12 seem --

13 MS. SAARI: So you're saying a policeman should
14 never ever, like, get hit by someone -- he should never get
15 into a situation where someone hits him, or he should never
16 have a bruise, he should never have a broken bone? He
17 should always go home with his body in perfect shape? Is
18 that your position?

19 MR. CARNEY: No, it's not my position. But I
20 don't think that you're inviting -- I mean, you're asking
21 police officers, it seems anyway, based on what you're
22 saying, you want them to come up and physically restrain the
23 individuals themselves.

24 MS. SAARI: That's right.

25 MR. CARNEY: Well, there are other means. And I
26 think that they were trying to do that. And maybe there are

1 instrumentalities, if you will, other than a gun that could
2 have been engaged and utilized in this situation. But I
3 don't think that it's always the situation that the officer
4 is going to get up and get into a fist fight with a guy.

5 MS. SAARI: Well, I think if it's a choice between
6 that and the deadly force, I go for the fist fight.

7 MR. CARNEY: Well, again, I don't have all of the
8 information to make that assessment.

9 MR. HERNANDEZ: Let me ask -- Ms. Spanos-Hawkey
10 has a request.

11 MS. SPANOS-HAWKEY: Ms. Saari, I would like, since
12 you were unable to complete your presentation on the
13 victims, I notice there is a lot of information that has not
14 been included in the media. And believe me, we've read all
15 of them, including the local. If you could submit that so
16 it would go into the record so those other individuals who
17 have died in police-related deaths, that we would have that
18 information in the testimony.

19 MS. SAARI: I'd be very happy to. I'll get it to
20 you in the next five days.

21 MR. HERNANDEZ: All right. I'm going to bring
22 this part of the hearing to a close.

23 I'm going to ask for a 15-minute break. And
24 during that time, those of you that have been part of this
25 session, could you please give us some assistance and move
26 out so we can get people -- the people downstairs are

1 complaining that they can't get in the session. It's
2 creating a security problem and the Highway Patrol is
3 starting to get some real nervous people down there.

4 So if you could just give us some help. So during
5 the break, we're going to clear everybody out so that a
6 whole new set of people can come in.

7 Thank you very much. We'll take about a 15-minute
8 break. Any input to the record that you have in a written
9 form or whatever, please let us have that now.

10 MS. BRANNAN: Could I make one more very quick
11 comment. I think it's important that the Commission be
12 aware that there has been a tremendous amount of police
13 repression against people wanting to come to this hearing,
14 including community outreach workers who, when they told
15 people that the Civil Rights Commission was going to be here
16 and they should come, their bosses were called and told that
17 that was inappropriate.

18 So I think -- I mean, you can see the repression
19 in the room and I just want to make sure you're aware of the
20 repression in the community.

21 MR. HERNANDEZ: Let the record reflect that.

22 MS. BRANNAN: Thanks.

23 MR. HERNANDEZ: Okay. 15-minute break. Thanks.

24 (Break taken at 11:30 a.m. until 11:45 a.m.)

25 MR. HERNANDEZ: Okay. Calling the meeting back
26 to order.

1 Sitting on this panel in front of me is Jim
2 Piccinini, Sheriff of Sonoma County; Michael Dunbaugh, Chief
3 of Police, City of Santa Rosa; and Pat Rooney, Chief of
4 Police, City of Rohnert Park.

5 I'm going to ask Sheriff Piccinini to please lead
6 off with an opening statement. Please state your name,
7 title and position for the record.

8 MR. PICCININI: My name is Jim Piccinini; I'm the
9 Sheriff of Sonoma County.

10 Members of the Commission, I have lived in this
11 county for about 47 years. I grew up in this county and
12 this county has grown and changed. I have witnessed its
13 transformation from largely a rural county to one that is
14 now both urban and rural. A county that is diverse in its
15 beauty, its economics and its people.

16 I have spent the past 29 years in public safety
17 service, serving the citizens of this county first as a
18 firefighter and then as a law enforcement officer. My whole
19 life has been dedicated to serving fellow citizens.

20 When I talk to people who have recently moved here
21 for a short period of time -- or have been here for a short
22 period of time, I often hear a common theme as to why they
23 chose Sonoma County to settle in. This theme is that people
24 who have settled here have done so because they believe that
25 this is one of the best places to live in all of the
26 nation. It is a county that is small enough to have a true

1 community spirit and large enough to provide the jobs,
2 health care, entertainment, education and safety that all of
3 us as citizens pursue.

4 I have been with the Sonoma County Sheriff's
5 Department for 22 years. I became the Sheriff of that
6 department this past October. As I have witnessed this
7 county change, I have also witnessed the Sonoma County
8 Sheriff's Department change. The changes I'm talking about
9 are not just new laws but our transformation from delivery
10 of police services in a traditional manner to one of
11 community-oriented policing. We pride ourselves on our
12 ability to deliver law enforcement and quality detention
13 services.

14 In an effort to reach out to the community we
15 serve, this department has implemented several programs to
16 facilitate community involvement and feedback in the type of
17 service that we provide.

18 As an example, in 1990 we established the county's
19 first formal community-oriented policing program in the
20 Roseland area. Since then, we have implemented the
21 community-oriented policing philosophy and program
22 throughout the department and throughout the county.

23 We have for the past eight years, and will
24 continue to, host community meetings in various portions of
25 Sonoma County on nearly an every-other-month basis. And, in
26 fact, I just went to one last night.

1 We host and participate youth events and school
2 activities, such as bicycle rodeos, DARE programs, Hug a
3 Tree programs, police visits to school grounds, Floyd the
4 Shark, Stranger Danger, and a variety of others.

5 We participate in a variety of community events.
6 Our employees, on their own time but representing the
7 department, participate in fund-raising programs for youth
8 sports activities, fund-raising for public educational
9 television, participate in American Heart Association
10 fund-raisers, Schools Plus, Project Graduation, and a long,
11 long list of other community events.

12 We provide several crime prevention programs in
13 the community. Neighborhood Watch, Farm Watch, Personal
14 Safety programs, and many more.

15 And we host a Citizens Academy that began in 1997
16 as a tool to educate our citizens as to the complexity of
17 law enforcement and to solicit their ideas and input. This
18 program seeks to provide factual information and to dispel
19 television cop show tactics by providing an in-depth view of
20 our organization, what it does, how it does it, and why.

21 In a five-year period of time, our organization
22 has, through its outreach programs, contacted over 123,000
23 citizens in this county. And this does not take into
24 account the numerous presentations to community groups and
25 clubs that I as the Sheriff and other staff members do on a
26 regular basis. As an example, just this past month, I have

1 personally spoken to more than 350 citizens at different
2 functions on topics ranging from Citizens Academy to use of
3 force and unlawful harassment.

4 Perhaps a more significant indicator of our
5 department's desire to reach out and communicate with our
6 citizens is our commission of a citizens community survey.
7 In 1994 the Sonoma County Sheriff's Department sought input
8 from the community through a community survey.

9 The department contracted with a private
10 consultant to assist in the construction of a credible
11 document for the purpose of determining public sentiment
12 regarding the Sheriff's Department service delivery. The
13 survey returned with an 85.3 percent of the respondents
14 rating the Sheriff's Department overall service as excellent
15 or good.

16 This past October, we again initiated a public
17 survey. The preliminary results that were just delivered
18 just this week show the overall satisfaction rating has
19 increased to 88.1 percent.

20 Additionally and perhaps more important, there was
21 an increase in the number of people who felt comfortable
22 calling to, quote, "offer information" or, quote, "make a
23 complaint." Those numbers went from 84 percent in 1994 to
24 86 percent in 1997. And those willing to make a complaint
25 went from 83.8 to 87 percent in 1997.

26 I believe I have a fair assessment of how the

1 citizens feel about law enforcement in Sonoma County. I
2 believe overall that they are confident in what we are
3 doing. I am concerned that this Commission may have been
4 misled by certain special interest groups who have distorted
5 or misstated factual information.

6 As an example, I know that criticism has been
7 forwarded to the Commission regarding the death of inmates
8 that have occurred in our facility. Please understand that
9 the death of an inmate in our facility causes us great
10 anguish. Unfortunately, jail custody deaths are not unique
11 to Sonoma County. Tragic as it is, custody deaths do occur
12 throughout the state and throughout this nation.

13 In 1996, there were 95 county jail deaths
14 throughout California. And while custody deaths do occur,
15 our department provides some of the highest quality
16 detention services in this nation and we go to great lengths
17 to ensure the safety of our inmates.

18 All detention facilities in the State of
19 California must be inspected by the California Board of
20 Corrections on a biannual basis. In the recent inspections
21 of 135 correctional facilities in the State of California,
22 only 16 were found to be compliant, fully compliant, with
23 state standards. It is with pride that I can report that
24 both of our facilities here in Sonoma County were two of
25 those 16.

26 Additionally, our facilities are fully accredited

1 by the California Medical Association for providing medical
2 care and health care services which meet the standards
3 developed by the American Medical Association. I would also
4 like to note that of the 58 counties in California, only 19
5 are accredited medical facilities. That 19 out of 58, again
6 we are one of those 19.

7 Our facilities are what is referred to as direct
8 supervision facilities. The concept that began in 1987.
9 Our facilities under the direct supervision concept were so
10 well run and well known that we receive visitors from
11 throughout the nation and the world to view how it should be
12 done. In fact, I am so proud and confident of our facility,
13 that I would offer and encourage the Commission to accompany
14 me on a personal tour of our facilities following these
15 hearings or at any time you would like to do so. I believe
16 that you would be impressed with the type of facility and
17 how we run it.

18 I believe the Commission is informed, also, of the
19 series of harassment lawsuits, and I know it's been talked
20 about here today, that have plagued our department. I can
21 also state that as a new sheriff, one of the first issues
22 that I have concentrated on is the elimination of this cycle
23 of lawsuits. One can read about unlawful harassment cases
24 in news clippings every day. We can read of these cases in
25 every work group at various levels of federal government,
26 state government, local government, and private enterprise.

1 It is not unique to this department.

2 In our county, I, along with representatives of
3 the Sonoma County Counsel's Office and the County
4 Affirmative Action Department and the County's Risk
5 Management Department have spent hours in personnel meetings
6 and personal meetings with our employees to solicit their
7 input on what we as an organization can do to improve the
8 overall work environment of our department.

9 One of my first acts of Sheriff was to implement a
10 new unlawful harassment policy that I feel will be an
11 important tool in making our organization an even better
12 place to work. We also are implementing a Peer Support
13 Program, and I am organizing a panel of private business
14 human resource managers and experts to assist me in the
15 recruitment and retention issues of recruiting and
16 retraining women and other minorities. I am committed to
17 taking these steps to enhance the work environment.

18 I am also aware of the issues of domestic
19 violence. And, again, while I cannot comment on some of the
20 past cases that were mentioned here due to litigation
21 pending, let me advise the Commission of our current
22 strategy and programs for domestic violence which we are
23 very proud of.

24 In November of 1995, the Sheriff's Department
25 applied for a federal grant for domestic violence. In
26 October of 1996, the Sheriff's Department created a new unit

1 of domestic violence/sexual assault which focuses on family
2 violence.

3 Thanks to a partnership at the YWCA, the District
4 Attorney, and our department, the unit now consists of a
5 detective sergeant, five detectives, two victim advocates,
6 two victim counselors, a deputy district attorney, a
7 district attorney investigator, and clerical support all
8 under one roof in an off-site facility that is user
9 friendly.

10 The program goals are prevention through
11 education, suppression through enforcement, and diversion
12 through advocacy and counseling. This program is now being
13 used as a model program throughout the State of California.

14 Ladies and gentlemen, I know that you are here to
15 provide a forum for all individuals and groups to express
16 their thoughts and beliefs. As Sheriff of Sonoma County,
17 I'm responsible for law enforcement and detention services
18 for all of the 432,000 citizens in this county. I assure
19 you that I have and will continue to listen to all groups
20 and individuals regarding their comments on our service
21 delivery and I will provide the best quality of service
22 possible to the citizens of Sonoma County.

23 In our department, 75 percent of our budget is
24 dedicated to salaries and benefits. We are a people
25 organization. We are people serving people. The men and
26 women of the Sonoma Sheriff's Department are dedicated

1 professionals who strive to provide the absolute best
2 quality services they can.

3 While we always look for ways to improve our
4 service delivery and while we do have issues to address, I
5 must say that based on community support from the very broad
6 spectrum of our residents and the recent results of our
7 public survey, I believe the men and women of the Sonoma
8 County Sheriff's Department are doing a great job of serving
9 our citizens.

10 I must also state that as one of the lead law
11 enforcement officers in this county, it is also my belief
12 that the level of dedication and commitment and
13 professionalism from the other law enforcement agencies in
14 this county is second to none.

15 Thank you.

16 MR. HERNANDEZ: Thank you very much, Sheriff.

17 I'd like to ask Chief Dunbaugh.

18 MR. DUNBAUGH: I'd like to welcome and thank the
19 Committee for allowing me to attend by invitation. It meant
20 a great deal to the community and to me personally.

21 I'd also like to thank you for working with us
22 last night and allowing us to find a way to provide you with
23 the information that you seek in a way that won't cost our
24 community. And we've evaluated that and it's forthcoming.

25 I've provided you with a copy of my bio and
26 resume. For the sake of time, I'm going to refrain from

1 further details except to mention that my commitment to my
2 community is both personal and professional.

3 My roots in law enforcement go back to the
4 mid-'70s where I can recall, as a young patrol officer --
5 naive and idealistic, wanting to help people -- spending an
6 eight-hour shift counting the number of times I was called
7 "pig" or some other derogatory comment due only to my
8 appearance. When I got past 200, I stopped. However, to
9 this day, I still remain that idealistic, maybe not so young
10 and not so naive, person who wants to help people.

11 I've been with the Santa Rosa Police Department
12 for approximately 18 months now. In the past 24 months, the
13 Santa Rosa Police Department has experienced tremendous
14 change. Not the least of which involved my arrival and
15 introduction to the organization.

16 During these months, we've accomplished much.
17 Most of which has a direct bearing on the question of our
18 police-community relationship, a question you have asked. I
19 am impressed with the quality of the people with whom I
20 work. I'm an outsider coming in, and I had the privilege of
21 being able to evaluate, critically. I'm also impressed with
22 my community.

23 The entire structure of our organization has been
24 modified, streamlined and developed with the intent to
25 provide superior professional services to the people in our
26 community. All people. Our structure was further designed

1 to facilitate our neighborhood oriented policing approach to
2 conducting businesses.

3 Santa Rosa has some very distinct neighborhoods
4 and we've taken the approach to conducting -- providing law
5 enforcement services, of working closely with neighborhoods
6 their associations and the people who live there. Many of
7 whom work for me.

8 A new management team has hit the road running and
9 in the process we've put into place the following in the
10 last 18 months: A Citizen's Police Academy in partnership
11 with Santa Rosa Junior College. Today approximately 75
12 graduates. A Volunteers in Police Service Program with
13 nearly 30 volunteers working with us already and a goal of
14 achieving 200 in the next five years. Improvement to the
15 Officer Involved Shooting Policy, as recommended by the
16 Grand Jury. We were criticized. We responded to the
17 criticism.

18 Introduction of less lethal weapons in the field
19 for officer use; to continue to try to find ways to deal
20 with physical confrontation and not have it result in death
21 or tragedy. Greater attention to personnel needs. Healthy
22 employees provide positive services and it helps create a
23 healthier community. Partnership with the Santa Rosa Plaza,
24 resulting in a substation and improved staffing of the
25 downtown area.

26 Implementation of a partnership program with the

1 City schools involving school resource officers. Currently
2 in two of our five high school service areas. We've
3 successfully navigated through five budget reduction
4 exercises with the loss of seven and a half positions but
5 the maintenance of full service.

6 So if you were a little curious as to why I was a
7 little bit emotional last night about spending money, that's
8 why. It's tough trying to maintain level of services when
9 you're going through cuts. And it's amazing that with our
10 economy as good as it is in this state, that this is one
11 city that is going through that and is experiencing that.

12 Procurement of a grant from ABC to improve
13 conditions related to our youth and substance abuse;
14 specifically, alcohol. Procurement of a grant in
15 partnership with the Drug Abuse Alternative Center and City
16 schools to improve services to our youth. Development of
17 the Domestic Violence Prevention and Response Program in
18 partnership with the YWCA.

19 Procurement of a Crime Analysis and Career
20 Criminal Apprehension grant to improve resource allocation
21 and more importantly to improve our ability to provide
22 timely information to our community.

23 In partnership with County Mental Health, we've
24 developed and implemented a Mental Health Response Team
25 which is averaging approximately 10 calls per month. Trying
26 to put our officers in a position where they receive the

1 expertise and assistance of those who have a specialty in
2 dealing with individuals going through mental health
3 episodes.

4 We strengthened our Employee Assistance Plan and
5 we stretched those services of our licensed contract
6 psychologists to provide help to neighborhoods and people
7 living in those neighborhood who have been victimized by
8 episodes of violence as well as some witnesses.

9 Apple Valley is one of our neighborhoods. It's a
10 very depressed neighborhood. It's received a lot of media
11 attention. We've worked in very close cooperation with the
12 Redevelopment Department and with the neighborhood's
13 community organizer to try to improve the living conditions
14 there. We've been involved in community endeavors to
15 install a children's park at that location. We're
16 constantly on foot in the area, talking with people. And,
17 yes, we do enforcement in the area, too.

18 Our involvement at the Community Baptist Church
19 during the Martin Luther King Day celebration is resulting
20 in an agreement to work with the NAACP and an organization
21 known as 101 Black Men for recruitment efforts focused on
22 African-American officer applicants.

23 Our Human Resources Department has met with a task
24 force on women in law enforcement, which was previously
25 mentioned to you. And with their effort, we're moving
26 towards partnering on efforts to focus greater attention on

1 bringing female applicants into the police officer force.

2 This past summer, the entire organization went
3 through professional diversity appreciation training and
4 sexual harassment prevention training. We received a
5 commitment from Professor Larry Shinagawa from Sonoma State.
6 He agreed to developed a cultural diversity training
7 curriculum with our training managers. This occurred in
8 1997. We are very hopeful that Professor Shinagawa will
9 follow through with that commitment.

10 We have held department-sponsored community
11 meetings in each of our 11 zones in our community. The
12 largest attracting nearly 200 residents. To intermingle,
13 mix, and ask questions, and converse with the police
14 officers, dispatchers, records clerks, the chief. Broad
15 representation of the department.

16 These efforts and accomplishments reflect our
17 commitment to work with our community. We know how our
18 community rates our services.

19 In 1993 and 1995, professional surveys were
20 conducted by the Results Group, a private firm. In 1993 and
21 in 1995, 82 percent of our citizens gave the police
22 department an overall rating of good to excellent.
23 Additionally, during late 1997, the City conducted a voter
24 survey focused on a pending utility tax issue. This survey
25 also sought a simple rating of police services. 78 percent
26 of the responders provided a high evaluation, A or B grades,

1 of the quality of police services in the City of Santa Rosa.

2 Inside the Santa Rosa Police Department, we take
3 pride in policing ourselves. During the five-year period
4 you have asked us to review and provide information to you
5 about, we received 44 formal citizen complaints on
6 conduct-related matters. Additionally, there were 77 other
7 internal investigations generated by supervisors on
8 conduct-related matters. Out of these 121 total
9 administrative investigations, 77 resulted in findings of
10 sustained, 10 cases were unfounded, 31 were exonerated, and
11 three were inconclusive.

12 Those cases that were sustained resulted in 48
13 written reprimands, 2 corrective interviews, 22 suspensions,
14 totaling 910 suspension hours and four terminations. We are
15 tough on ourselves. Our community and our elected leaders
16 expect this of us. We agree with being held to a higher
17 standard and we value what this brings to us as an
18 organization. It brings pride.

19 Tremendous goals and objectives loom before us.
20 During the next 24 months, we will focus our attention on
21 the following: Implementation of our Neighborhood Oriented
22 Policing Community Advisory Board. It's comprised of 11
23 zone representatives from throughout Santa Rosa, two labor
24 representatives, and one teen council representative. As
25 someone previously mentioned, it's comprised of the common
26 folk. The first public meeting will be in March or early

1 April.

2 We will be working with redevelopment and
3 re-energizing our Neighborhood Oriented Policing Program.
4 It needs a kick in the pants, quite honestly. And we're
5 ready to get up and going. We've held off doing that until
6 we have the Neighborhood Oriented Policing Community
7 Advisory Board in place because we wanted input from this
8 cross section of our community.

9 Implementation of an internal peer counseling
10 program. Replacement of our automated systems with a
11 countywide integrated system. I'm constantly asked by
12 people in the county, "How well do you work with the other
13 law enforcement organizations so that you save tax dollars?"
14 That's one of our efforts.

15 Reduction of 3,000 pages of policies and procedure
16 into a usable format. I've inherited 3,000 pages of policy
17 and procedure. You're welcome to all of it. It's been made
18 available to anybody who has asked for it.

19 Growth of our School Resource Officers Program in
20 partnership with our schools, our parents, our students, and
21 most importantly, our social service providers.

22 Our department is an open organization. We
23 routinely provide information that is requested, assuming
24 that we can do it without violating a law concerning
25 confidentiality in the process. We are protective of our
26 crime victims. Perhaps overly so on occasion. We feel that

1 we owe them a great deal.

2 We are not a department that harbors secrets.
3 What you ask for, you'll get. No one gets turned away. The
4 open door policy is external and internal.

5 We're committed to fixing problems and building
6 improvement. We choose not to take a negative approach to
7 conducting business. We try very hard to be in sync with
8 community as we recognize we will never be successful
9 without striving to be one with those we serve. We're not
10 perfect but it makes us try harder.

11 Our nearly 300 employees have various expertise.
12 Many instruct at the junior college. Many others are
13 involved in their community. The following is a list of
14 some of those relationships: Santa Rosa Evangelica Free
15 Church youth leader; Mark West Little League; Cub Scout
16 leader, Troop 145; Piner High Parents Group; Sonoma County
17 Soccer League; Kenwood Women's Soccer League; Rincon Valley
18 Grange; Pleasant Hill Christian School; Leadership
19 Santa Rosa; West County Softball Association; Hessel Church;
20 Santa Rosa Stallions, a Pop Warner team; Cub Scouts, den
21 mother; Sons of Italy; Faith Lutheran Church; Konocti Girl
22 Scouts; Santa Rosa Neptune Swim Team; Schaefer Life
23 Elementary; Boys Little League, Rincon Valley; El Molino
24 Little League.

25 I'm not going to bore you with the list; you have
26 it. But it goes on and on and on. We are very much

1 involved in our community we treasure it.

2 Thank you.

3 MR. HERNANDEZ: Thank you very much, Chief.

4 Chief Rooney.

5 MR. ROONEY: Honorable members of the Federal and
6 State Commission on Civil Rights. I am Pat Rooney and I am
7 the Police Chief of the community of Rohnert Park. My
8 resume has been submitted to you previously and so I'm not
9 going to go into my experience.

10 I've had the honor of being the chief in this
11 organization since November of 1993. I am pleased to have
12 the opportunity and have been invited to share the level of
13 service and commitment to the community that our agency
14 demonstrates on a daily basis.

15 The city of Rohnert Park is a city of
16 approximately 40,000 population, covering 7.5 square miles.
17 It is the third largest city in beautiful Sonoma County.

18 Rohnert Park was developed in 1963 as a planned
19 community aimed at providing affordable, reasonable housing
20 and a high quality of life. This is evidenced by our parks
21 and our school and recreational facilities.

22 Rohnert Park is public safety. We have a public
23 safety department. They have been around since 1950 but
24 ours was formed in 1966. What this means is that it's a
25 combined police and fire at the operational level. All of
26 our sworn personnel are not only certified by POST, which is

1 Peace Officers Standard of Training, in the State of
2 California, all of the way through to the highest
3 certification according to the rank, but our sworn personnel
4 are also Certified State Firefighters.

5 We also are somewhat unique. Years ago someone in
6 our organization, previous chief and his staff, created what
7 was called Youth and Family Services. One of the divisions
8 which I command deals solely with family issues and problems
9 as they relate to diversion programs and counseling. Their
10 annual report is part of the package that I have submitted
11 to you.

12 The Department of Public Safety is the fourth
13 largest law enforcement agency in Sonoma County. Our hiring
14 policies and procedures are directed at hiring the best and
15 most qualified personnel. Our standards are consistent and,
16 in fact, exceed the professional law enforcement agency's
17 criteria as laid out by POST.

18 We ensure quality, intensive -- extremely
19 intensive -- recruitment and background procedures. They
20 are directed at hiring those people who are going to come
21 into our community and share the values and become a fit
22 within their community. The department is made up of a
23 diverse group of employees.

24 We target our recruitment program to solicit
25 applicants of diversity. Our distribution list includes,
26 but is not limited to, Advocates for Women, Association of

1 Latino Americans, California Oriental Peace Officers
2 Association, Hispanic Chamber of Commerce, Latino Democratic
3 Club, National Indian Justice Center, Northern California
4 Asian Peace Officers Association, and the Purple Beret here
5 in Sonoma County.

6 Training is of the highest priority to our
7 organization. We are constantly on test and under the
8 microscope because we are one of the approximately 70 Peer
9 Public Safety Organizations throughout the nation. During
10 1997 alone, we provided 2,072 hours of internal training
11 using experts to come into our organization. This is just
12 in law enforcement. The figures I just gave you do not
13 include firefighting. During 1997, we provided 2,009 hours
14 of outside training whereby we take advantage of the
15 numerous POST-sponsored courses throughout the state.

16 State law enforcement under POST requires an
17 average of 24 hours of training per peace officer. We
18 provide approximately 120 hours per officer each year. In
19 addition to traditional subjects, we also have had training
20 in discretionary decision making, sexual harassment,
21 critical incident stress management, cultural diversity and
22 developmentally disabled interaction skills.

23 We pride ourselves on being responsive to the
24 community and including the community in our processes. Our
25 Strategic Plan of 1994, which is also included in your
26 packet, was in fact developed by a cross section of the

1 community to include educators, Chamber of Commerce. Based
2 on that Strategic Plan, it laid out the action plans and the
3 strategic issues that we wanted to accomplish in the next
4 five years and in fact drives our budgetary process.

5 We employ a "5 a Day" Program which solicits
6 information from five calls selected randomly from our
7 Support Services Division which follows up to assure
8 customer service, quality assurance, and suggestions for
9 improvement. A copy of that form is included in your
10 packet.

11 All complaints are investigated as Internal
12 Affairs issue. Several years ago, 1986, we actually adopted
13 the San Jose model for citizens' complaint. We were not
14 satisfied with our citizens' complaint procedures prior to
15 that. Essentially, any and all complaints receive a
16 tracking number and are investigated. A copy of our
17 policies is included in your packet.

18 Members of our department participate in numerous
19 community events including community planning and
20 development of projects. They recently took place in the
21 community summit, which is long-range direction towards the
22 ultimate future planning for the community. Kind of a
23 general plan for the next 20 years.

24 In response to a single incident involving a
25 racial-directed vandalism in 1996, we initiated and
26 developed a project known as Building Bridges which has

1 since been used in other communities. This group strives to
2 bring an understanding of cultural diversity to our
3 community and is in partnership with the schools.

4 Our department and all of your employees are
5 committed to the community. 92 percent of our officers live
6 in our city. That's by policy. All of our officers,
7 100 percent of our sworn strength, lives within a four-mile
8 radius of our community. This is consistent with President
9 Clinton's plan to encourage police officers to live in the
10 communities and neighborhoods they serve. Ladies and
11 gentlemen, we've had that plan since 1966.

12 The department and its members participate in
13 numerous programs. We are in partnership with our school
14 district and DARE and have been since 1994. We have five
15 officers assigned to the DARE Program. Our sworn strength
16 is only 62. We have graduated 3200 students since
17 conception in 1994.

18 We have a full-time officer assigned to the middle
19 and high schools. Part of the cops fast track from the
20 federal government. It has been there for two and a half
21 years. Acts as our liaison, dealing with specific issues
22 within our community and schools.

23 We are the host agency for the Torch Run for the
24 Special Olympics and have been for three years. Free
25 Fridays is a unique program in our community and has been in
26 existence for over six years. Every Friday night our sports

1 center is opened up to junior high and high school kids. It
2 is staffed -- 50 to 60 percent of the staffing comes from
3 our law enforcement agency. Many on a volunteer basis. It
4 is attended by 2 and sometimes 400 juveniles on Friday
5 night.

6 Beat the Heat. We participate with other agencies
7 within our county where we take the kids out, high school
8 students, to Sears Point Raceway and interact with them on
9 something that they really relate to, and those are cars.

10 As an agency, we also sponsor and, in fact,
11 coordinate programs. Again, our Youth and Family Services
12 Program. We provided last year alone 4,000 hours of
13 counseling to children and parents that would not otherwise
14 have gotten that counseling. It's a unique program whereby
15 we use interns working on their MFCC accreditation from
16 local universities; and under supervision, they provide this
17 counseling.

18 Our Diversion Program consists of the juveniles in
19 the community going into our system for counseling. Very
20 few are referred to County Probation. Ride Along Program.
21 We've had a Ride Along Program for many years and it
22 continues to create interaction in the community.
23 Neighborhood Watch Programs. With few exceptions, there's a
24 Neighborhood Watch Program in virtually every section in our
25 community.

26 The department has a strong internal commitment to

1 quality insurance. In fact, the most serious disciplinary
2 actions that have resulted in the last two to three years
3 have come from our internal audits and internal
4 investigations. They include discipline from written
5 reprimands to, in fact, terminations.

6 In closing, I'd like to share our mission
7 statement. The department of public safety pledges to
8 respond to community needs with professional, personal
9 commitment to safeguard the health of our community. This
10 goal will be accomplished in community involvement,
11 education and innovation.

12 Rohnert Park Department of Public Safety strives
13 to reflect and serve the needs, desires and attitudes of the
14 community we serve. Through aggressive recruitment,
15 proactive training and constant review of procedures and
16 programs, we are committed to providing the highest level of
17 professional service to our community.

18 The officers and staff of this agency are members
19 of this community and feel a sense of ownership and pride in
20 preserving the personal sensitivity and friendliness that is
21 the hallmark of our community.

22 Thank you so much.

23 MR. HERNANDEZ: Thank you, Chief. And I'd just
24 like to note that, for the record, that all of the chiefs
25 are here voluntarily. And I want to -- appreciate all of
26 the cooperation that we've received from you in that

1 regard.

2 I'd like to now open it up for questions.

3 Yes. Ms. Spanos Hawkey. Dena. I'm trying to be
4 formal here.

5 MS. SPANOS-HAWKEY: Thank you.

6 MS. SPANOS-HAWKEY: I would like to congratulate
7 the three of you on all of your public service activities.
8 But the reason that we're here today is to look at your
9 policies and procedures that have possibly caused the high
10 per capita number of police-related deaths. And I would
11 like to hear your opinions on why that is occurring. I live
12 in Los Angeles. You know, when you top us, you're doing --
13 I mean, that's pretty incredible.

14 So please explain to me why that is occurring.

15 MR. DUNBAUGH: Let me start first. I'll try to
16 speak on behalf of Santa Rosa.

17 One of the things that seems to have been
18 occurring is the generalization of Sonoma County law
19 enforcement. And I would suggest that there are other
20 parallel examples of similar generalizations that probably
21 most everybody in this room can relate to that indicate a
22 significant degree of bias and unfairness.

23 But for the City of Santa Rosa, we have had five
24 officer-involved shootings -- I'm sorry. Seven in the last
25 five years. In the five years prior to that, there were
26 11. From our point of view, one is too many. Period. But

1 if we're going to play a numbers game, let's look at the
2 numbers. Seven in the last five years. Five years prior to
3 that, 11.

4 In terms of some of the statistical analysis of
5 it, I would heartily recommend the Committee utilize the
6 services -- and I know you have your own staff analysts that
7 really have their act together -- to perform an objective
8 analysis of those figures before you draw your own
9 conclusion. Thank you.

10 MR. ROONEY: In the community of Rohnert Park,
11 since being formed in 1966, we have had two officer-involved
12 critical incidents involving a death. Both of them have
13 been referred to today. And I would also encourage the
14 panel to review the investigations into those incidences,
15 including the investigation that the FBI conducted
16 separately outside of the data and information of the
17 investigation that the Sonoma County Sheriff's Department
18 did. I agree with Chief Dunbaugh. One, two. It's too
19 many.

20 I moved up here from Southern California four
21 years ago. And as far as I was concerned, after having 27
22 years -- excuse me -- 24 years in Southern California, I
23 never wanted to experience another officer-involved shooting
24 fatality.

25 And the county is growing. There are certain
26 things that I think we're going to be looking at, we're

1 already looking at. But I think the panel -- I would
2 suggest or urge the panel to look at the cases more
3 specifically.

4 MR. HERNANDEZ: Commissioner Lee.

5 MS. LEE: Were you --

6 MR. PICCININI: Yes; I would just like to quickly
7 comment, also, that from the Sonoma County Sheriff's
8 Department perspective, the two jail deaths that we've
9 experienced in our facility, as I said before, causes
10 anguish for all of us. And it is a situation that I don't
11 know that anybody has a clear answer for as to what causes
12 them. I don't know that anybody has an answer as to what
13 causes some of these citizen-officer confrontations to
14 result so tragically.

15 And I noticed just recently in the National Peace
16 Officer Memorial, a magazine that came out, that a
17 40 percent increase in police officer deaths occurred last
18 year. And nobody can explain that, either. And it is a
19 societal problem. One that I'm sure we would all feel more
20 comfortable having an answer to and one that we all struggle
21 to find and that one I don't know if we can.

22 MR. HERNANDEZ: Commissioner?

23 MS. LEE: I have several questions.

24 Obviously, I'm getting a little confused. The
25 earlier two panels presented a completely different picture
26 from the one we just heard. It seems like there was a

1 gloomy picture of police-community relations presented
2 earlier and we just heard a very sunny picture from the
3 three of you. That's why we're here, to get all the facts.

4 I have several questions. No. 1: You had all
5 mentioned about your active effort to recruit new officers.
6 Can you give us in detail the current makeup of your law
7 enforcement force?

8 No. 2: When was the last time you had actually
9 hired new officers, and what are those makeups?

10 And the earlier panels had mentioned community
11 really was not asked to help in terms of your recruitment
12 and hiring. Can you also go into detail how communities
13 have been assisting you in these. And what are the goals?
14 Have you set up goals to achieve a parity in terms of having
15 officers represent the community that they are serving?

16 MR. DUNBAUGH: I have specific information for you
17 in regards to the makeup of our organization. I think it's
18 important that it be compared to the makeup of our
19 community, which another speaker previously attempted to
20 do.

21 Our community, according to the U.S. Census data,
22 is 84.52 percent white. Our police officers in 1998 are
23 86 percent white. Our community is 1.69 percent black; our
24 police officers in 1998 are 2 percent black. Our community
25 is 9.47 percent Hispanic; our police officers in 1998 are
26 8 percent Hispanic. Our community is 3.2 percent Asian; our

1 police officers in 1998 are 2 percent Asian. Our community
2 is 1.02 percent Native American; our police officers in 1998
3 are 1 percent Native American.

4 Our minority representation in total population in
5 the community is 15.48 percent, according to the
6 United States Census data. And the makeup of our police
7 officer force is 14 percent minority representation. We're
8 not there. That's why we have asked for assistance.

9 The first two meetings that were held with
10 representatives from various groups concerned, for the most
11 part, in terms of the shooting incident with Mr. Kao in
12 Rohnert Park. A lot of the discussion in those two meetings
13 did focus on recruitment and retention efforts. And we
14 openly invited and requested assistance for that. We will
15 continue to work on that.

16 And for more specific information on the city, I
17 would refer you to the Human Resources Department. They are
18 present here today and that's because the police department
19 is not a stand-alone entity. There are numerous departments
20 in every city. I don't need to give you folks a civics
21 lesson; you're more aware of it than I am, probably. We
22 don't operate as an independent, isolated organization.

23 MS. FUA: Can you give a gender breakdown as well
24 for all the same questions.

25 MR. DUNBAUGH: I have a gender breakdown, I
26 believe, in the packet of information I provided to you.

1 And, yes, I can, if you give me just a second because I
2 think it's important.

3 The previous speaker mentioned to you either the
4 statewide or the national average was 10 percent. We
5 currently have 10 percent female in the sworn ranks. We do
6 not have good gender representation throughout the
7 supervisory and management ranks, and that is something we
8 are focused on improving.

9 MR. HERNANDEZ: Do you consider 10 percent
10 adequate?

11 MR. DUNBAUGH: Adequate?

12 MR. HERNANDEZ: Yes. Do you think that --

13 MR. DUNBAUGH: No, sir. No, sir. Not at all.

14 MR. HERNANDEZ: What would be a target that you
15 would shoot for?

16 MR. DUNBAUGH: Well, if you're going to play
17 parity, it would be 50 percent. And perhaps we'll see that
18 some day. We'd have to see a dramatic increase in the
19 number of female applicants when you consider that 100
20 applicants results in one hired. And we're not seeing large
21 numbers of women today, particularly in our area, and I
22 suspect largely because of the advantages associated with
23 the Silicon Valley and higher paying private where there's
24 no risk and no shift work. Or low risk.

25 So it is very, very tough. And we need assistance
26 from throughout the community and partnerships. That's why

1 we're pursuing those.

2 MR. HERNANDEZ: I'd like to follow up on
3 something just very quickly. Some of the previous panels
4 criticized the current Grand Jury system and the civilian --
5 the Chiefs' Advisory Council. They felt that what was
6 really needed was an independent civilian review board. And
7 some of the reasons they gave was that they felt that many
8 citizens were being discouraged from actually filing
9 complaints. In fact, there was one -- testimony given
10 before us that there were -- it was actually a gentleman
11 that went in and was told, "You don't have to do that. I've
12 already decided it's not going to going anywhere."

13 Could you comment a little bit on the call for a
14 civilian review board and the procedures that you use for
15 taking a complaint, how that complaint then is followed.
16 And what would happen if you indeed found out that one of
17 your officers discouraged a complaint?

18 I know that's a mouthful but I guess a civilian
19 review board and the review process. How does somebody get
20 a complaint to the police department and what happens
21 afterwards?

22 MR. PICCININI: Let me talk from the Sheriff's
23 Office perspective as far as somebody filing a complaint
24 with the Sheriff's Department. Complaints can be filed in a
25 couple of different ways.

26 First of all, you can make a telephone complaint.

1 There are written forms. We will mail you a written form or
2 you can come into the office and pick up a written form.
3 What we try, in our philosophy, is try to resolve the issue
4 as quickly as possible. If a citizen walks in and says,
5 "I'd like to file a complaint," we'd have a supervisor make
6 contact with them as quickly as possible and see if we can
7 resolve the issue right there.

8 If they can't resolve the issue or the citizen
9 doesn't feel that it's been resolved to their satisfaction,
10 they are given a citizens' complaint form which they then
11 fill out and mail into our department. At that particular
12 time, when we receive that citizens' complaint form, we then
13 send it to our Special Investigations Unit which is an
14 Internal Affairs, basically, Unit that is staffed by a
15 lieutenant who supervises two sergeants. That unit is
16 answerable to the administrative captain which ultimately
17 answers to the Assistant Sheriff.

18 That unit will make a decision if this particular
19 complaint is maybe best looked into from an administrative
20 level such as the Assistant Sheriff or the captain in charge
21 of the division where the complaint came from. Or if it's
22 serious in nature or complex in nature, it will be
23 investigated by the actual Special Investigations Unit
24 itself.

25 In either case, it is assigned a number, it is
26 tracked, there is an expectation that it be completed, and

1 we send the complaining citizen a result of the
2 investigation in writing.

3 MR. HERNANDEZ: Now, what happens if a citizen
4 feels -- and how do you prevent -- I guess, this is the
5 question:

6 If I'm a citizen and I go into a police station
7 and I'm making a complaint against another police officer.
8 Some citizens might feel intimidated that they would be
9 retaliated against by another police officer for filing such
10 a complaint.

11 How would you address that concern, that another
12 police officer is not prone to investigate one of his own?

13 MR. PICCININI: Well, first of all, if you feel
14 intimidated by coming into the law enforcement agency, as I
15 said, over the telephone you can ask for the complaint form
16 be sent to you.

17 The complaint form has actually a dual purpose.
18 In our department it also serves as a comment form. If
19 you'd like to comment on the service, whether it be good or
20 bad. So you can take that form via mail and not have any
21 initial contact with a law enforcement officer. You can
22 fill it out and send it in and be contacted on the telephone
23 to discuss what it is that you'd like us to do and how we
24 would like to look into this investigation.

25 MS. LEE: How will the complainant know the status
26 of his or her complaint. Who contacts them and how will

1 they be notified?

2 MR. DUNBAUGH: By law, they have been to be
3 notified.

4 MS. LEE: How?

5 MR. DUNBAUGH: And they're notified by letter,
6 sometimes in person. Sometimes perhaps with the
7 investigated individual or occasionally a manager who
8 oversees that individual will make the contact.

9 MS. LEE: By the investigative officer?

10 MR. DUNBAUGH: No, ma'am. And a follow-up, just
11 to finish the question that Mr. Hernandez asked with regards
12 to what would happen if an officer was discovered to be
13 playing a role in trying to prohibit or eliminate or
14 dissuade an individual from making a complaint. It's up to
15 and including tetermination. And in a case like that, it
16 would probably be termination.

17 MR. HERNANDEZ: Has that ever happened in your
18 department, where you have terminated an officer for
19 discouraging a complaint from a citizen?

20 MR. DUNBAUGH: No, not in the Santa Rosa Police
21 Department. You have to understand, my tenure here is
22 short.

23 MR. HERNANDEZ: Just one quick thing now because
24 the other panel made quite a point of this. And that was
25 the whole idea of a civilian review board, the idea being
26 that a citizen might be much more comfortable walking into a

1 civilian facility.

2 And I think, to some extent, I think it is
3 understandable that if you walk into the -- police stations
4 are not usually seen as places where most people want to be.
5 And I'm not trying to criticize that, I don't think anybody
6 wants to be at a police station --

7 MR. DUNBAUGH: We understand that.

8 MR. HERNANDEZ: So what I'm trying to do is I'm
9 trying to run through a citizen's scenario here that I'm
10 walking into a police station, and a fellow comes out to
11 greet me and he has a gun strapped on his side and he looks
12 big and he looks intimidating and he looks tough, and I
13 think that's the way he probably should be looking that way.
14 Or she should be looking that way, too.

15 MR. DUNBAUGH: Our mayor is about five foot, six
16 and 120 pounds, and they can visit her and she'll hand
17 them --

18 MR. HERNANDEZ: Okay. But what I'm saying is not
19 -- I'm trying to paint another scenario. I'm trying to get
20 a feel for this as well.

21 And then the other scenario, I walk into a
22 civilian facility where there is no one with a gun on, there
23 is nobody that has a badge on. It may be somebody with a
24 suit and tie who has no connection whatsoever to the police
25 department, who is an independent civilian review board that
26 is set up to oversee complaints from citizens.

1 What's the difference? And is there a reason why
2 you would be for or against such an arrangement?

3 MR. DUNBAUGH: I think we already have an
4 arrangement like that in terms of our city council and our
5 mayor. And we have individuals who walk into their offices.
6 Again, they have an open door policy. They are not
7 confronted by uniforms or guns or the law enforcement
8 presence.

9 MS. BUITRAGO: If I can just follow up with this
10 thought, if I may. One of the problems that I see with the
11 city council and mayor is that they're intricately involved
12 with the police department.

13 And my question -- I guess I have one specific
14 question. I'd like to hear reasons why it would be a bad
15 idea to have an independent citizens' review board. That's
16 the first question.

17 The second question is that I would like to get a
18 description of how the panel that is created in November was
19 actually created, what the purpose of it is, and how
20 community was either involved in the process or not.

21 And then just one last thought in terms of the
22 outreach regarding hiring. I'm not really sure what kind of
23 outreach you do. It seems like you distribute lists to
24 different groups, to minority groups and women's groups; but
25 I think in terms of hiring, you need to do much more. And
26 there are a lot of actions, I'm sure, that maybe you do but

1 I would like to hear some more specifics about the kinds of
2 outreach that you do.

3 MR. DUNBAUGH: I can start with a couple. I
4 apologize if I'm overriding. I have the two peers here.

5 In the packet we gave you, you have a rather
6 lengthy list of all of the outreach that we do. And I could
7 read that here, but it would probably take another five to
8 ten minutes. So, please, I would refer you to that. And it
9 is very lengthy. Although as lengthy as it is, we still
10 accept very willingly the thought that we can do more. It's
11 a question of with who and how? And we appreciate any
12 recommendation.

13 MR. ROONEY: We also have several times a year, we
14 go to the colleges, to the Chiefs' Association. And in our
15 particular case in Rohnert Park, and it's costly, but what
16 we've been doing is sending out recruitment teams which
17 include minorities into the Southern California area and to
18 the Fresno area and trying to broaden the pool of applicants
19 and encourage them to come to Sonoma County.

20 So there's a lot that we're doing. But as Chief
21 Dunbaugh said, there is always more. But we've put a lot of
22 energy in the last few years into broadening our recruitment
23 base and the applicant pool.

24 MR. PICCININI: As an example -- I'm sorry.

25 MR. HERNANDEZ: Please, go ahead.

26 MR. PICCININI: I was just going to say as an

1 example, something that I believe all of our departments
2 participate in is a career fair by youths coming out of high
3 school. And up to 3200 youth attend this career fair that
4 is represented there from female deputies, minority
5 deputies.

6 And the outreach program for our department also
7 goes beyond, out of our county. We sometimes send people to
8 organizations and other portions of the county to try and
9 target certain minority groups to get more interest to
10 coming to work in Sonoma County.

11 MR. DUNBAUGH: You asked what was bad, and I
12 wanted to answer that before we got shifted. I don't think
13 anything is bad with what you asked.

14 MS. BUITRAGO: And then a description about how
15 the citizen review panel was created. And what it --

16 MR. DUNBAUGH: It's not created yet. We're
17 working on it. There's been a lot of discussion about it.
18 I'm going to pass the buck a little bit to Sheriff
19 Piccinini, whose -- the Chiefs' Association has broken into
20 a subcommittee to work on it and Sheriff Piccinini is
21 involved in that more directly than I am.

22 But, again, this is -- just to set the flavor for
23 you of what the Chiefs' Association is, we meet monthly so
24 we can coordinate in areas that make sense for our
25 communities to have consistency.

26 For example, citizens' complaint is an area that

1 for next year's agenda will be delved into so we have
2 consistent policies countywide.

3 And one last thing here. We gather for the
4 purposes of sharing information, too, and seeking
5 information. It's not a formalized body of people that
6 direct, manage and run countywide law enforcement resources.

7 MR. PICCININI: As far as the advisory panel that
8 is being put together, as Chief Dunbaugh mentioned, it's not
9 actually formalized yet. One of the things we're in the
10 process of doing is taking the idea back to our respective
11 governments, such as the county -- city managers, county
12 administrator, and also the board of supervisors and the
13 individual city councils to get their input as to how we
14 would select members to represent the representations on
15 this panel.

16 The idea is to have a panel that would be an
17 advisory one to the Chiefs' Association that would be
18 representative of all of Sonoma County from the different
19 cities because the Chiefs' Association is made up of all of
20 the different police chiefs in the cities. So the idea is
21 to make those representations as broad as possible. And the
22 selection procedure is still being discussed at this time.

23 MS. LEE: Do you foresee any of the organizations
24 that testified earlier today, any of them will be serving on
25 these advisory boards?

26 MS. PICCININI: I would suspect that that would

1 occur. I don't know that all of them would, but I suspect
2 that one of them or some of them might.

3 I think our ideal goal is to be as reflective of
4 all of the good citizens of Sonoma County as possible.

5 MS. BUITRAGO: How will the community people,
6 maybe some of the people who have been involved in these
7 hearings, be involved at all?

8 MR. PICCININI: I'm sorry?

9 MS. BUITRAGO: How will the community people,
10 including some of the people who have made presentations
11 earlier on, be involved in the advisory panels?

12 MR. PICCININI: Well, in the advisory panel that
13 we have selected to proceed or to go forward with is one
14 that is a representative from each specific jurisdiction of
15 a community. And so they would be selected by whatever
16 process that community has decided upon and they would be
17 appointed as part of the panel.

18 MR. DUNBAUGH: I have to add one thing, though, in
19 regards to this. I'm sorry. Very sort.

20 This idea was discussed with the individuals who
21 have previously testified at the second meeting as
22 coordinated through the Department of Justice, and it was
23 thrown out as an idea that we were interested in pursuing.
24 And the response was, "You can do whatever you want but
25 that's not what we're here to discuss. We want a civil
26 review board with subpoena power." So I'm not sure that

1 they're interested in this.

2 MR. HERNANDEZ: Can I just -- you're not for a
3 civilian review board with subpoena power.

4 MR. DUNBAUGH: No, sir. That's not what I said.
5 That's not what I mean.

6 MR. HERNANDEZ: Dr. Erler.

7 DR. ERLER: Yes. The incidents that have led to
8 our presence here. Have they caused you to review your use
9 of force policies? And, in particular, your policies
10 regarding the use of deadly force? And if so, what have
11 been the results of your review and reflections on those
12 policy issues?

13 MR. DUNBAUGH: In Santa Rosa's case, yes, sir.
14 And it's routinely reviewed. It has to be in order to keep
15 up with case law. And the direction that is coming to us
16 from the courts has not resulted in any change at the city
17 level. We have modified the countywide protocol. And I
18 don't have the specifics with me but they are included in
19 the packet that you'll be receiving.

20 And at this point in time, our use of force
21 policy, which is in the packet that you have in front of
22 you, is in conformance with state law and with our City
23 Attorney's recommendations.

24 MR. HERNANDEZ: Mr. Carney?

25 MR. CARNEY: Gentlemen, Chief Dunbaugh
26 mentioned -- I'm sorry.

1 Chief Dunbaugh mentioned that there is in place
2 some psychiatric training of officers or by -- I'm sorry.
3 Training of officers by psychiatric professionals regarding
4 the handling of mentally ill individuals.

5 That just caused me to ask: In relation to that
6 situation, do you, all of you gentlemen, have you
7 implemented any type of program for stress management with
8 respect to your own employees? By that, I mean sworn
9 personnel.

10 And additionally, so that you can answer these
11 questions as you wish, I'm concerned about what policies you
12 may have in place regarding personnel who are -- who are
13 suspects, either charged or uncharged, and/or convicted of
14 domestic violence. And I'm talking about sworn personnel
15 now, in relation to the federal and state requirements
16 regarding firearms for those individuals who have been
17 convicted of domestic violence charges.

18 MR. PICCININI: If I can start off with that.
19 From the Sheriff's Office's perspective, we are fully
20 compliant with state and federal guidelines as far as the
21 use of firearms and those people that have had prior
22 convictions of domestic violence. And that was not the case
23 in the Sheriff's Office initial review when that law first
24 took place.

25 The department has had, unfortunately, one of its
26 members who was accused of that, convicted of that, and that

1 member is no longer a member of our department.

2 As to employee assistance programs, we do have an
3 employee assistance program through the county; it's offered
4 to all county employees. Ourselves, much like the city,
5 it's not just the Sheriff's Office standing alone as far as
6 the personnel agency. We go through the County Personnel
7 for all of the hiring practices.

8 And in addition to the employee assistance
9 program, we are also putting together a peer support
10 program, sort of an in-house mentoring program to assist
11 employees.

12 MR. CARNEY: You mentioned about the program of
13 all county -- available to all county employees. My concern
14 is that in a job involving law enforcement officers, the
15 stress level, to me, seems to be a heck of a lot higher than
16 it would be to some pencil pusher -- not to denigrate their
17 job -- in a clerks office or something like that. But
18 they're faced with some severe confrontations on a daily
19 basis.

20 And my concern is that are you folks putting into
21 place something specifically designed to the police
22 officers' needs? And if it isn't in place, are you
23 contemplating it? And to what extent are you implementing
24 it?

25 MR. DUNBAUGH: Yes, sir. We have it in place and
26 we're working on improving it. For example, not that it was

1 a confrontational situation, but earlier this week we had an
2 accident that was extraordinarily tragic and traumatic in
3 the community, and particularly for the people who responded
4 to it. Paramedics, fire and police. There were three
5 deaths, one decapitation, and seven people that went to the
6 hospital. It looked like a war zone. The officers, the
7 paramedics, when they responded -- at the end of the shift
8 from that, they all went through critical incident
9 debriefing. Two days later, again, they went through a
10 critical incident debriefing.

11 It's routinely applied. And to the degree where
12 we've actually taken critical incident debriefing to the
13 neighborhoods now that have experienced something like that
14 so that they, too, could avail themselves to an area we're
15 very knowledgeable on.

16 MR. HERNANDEZ: Ms. Patterson, I think you had a
17 question.

18 MS. PATTERSON: Yes. I have an impressive listing
19 of community -- listing of programs, community services and
20 also personnel policies that you've implemented. And my
21 question is: How often do you evaluate those policies, and
22 what your evaluation criteria is?

23 MR. PICCININI: First of all, most of our policies
24 and the criteria for evaluating them and making sure they're
25 sound is based on common practices, current case law, any
26 new government law. You know, we're talking policies, we're

1 talking everything from use of force, code three driving,
2 mandatory reporting of certain incidents, domestic violence.
3 We're talking a spectrum and we have to follow the case law,
4 any new laws coming down from the state or federal level,
5 and also taking a look at it from current trends, practices
6 and the best way known to do business today.

7 So taking a look at what are the new ways of doing
8 business? And is it what we want to implement in this
9 county? And is it a sound practice?

10 One of the things that is somewhat unique in this
11 county, it's not repeated too often, is the Sonoma County
12 Law Enforcement Chiefs' Association of which was mentioned
13 before which every chief is a member of. We actually sit
14 and evaluate and try to merge our policies that actually
15 impact all of the critical incidents so that we're all
16 operating on the same page.

17 So that whether you're from Petaluma Police
18 Department, Cotati Police Department, Cloverdale Police
19 Department, Santa Rosa, Rohnert Park or the Sheriff's
20 Office, the critical policies are mirrored so that we're all
21 pooling our resources, if you will, of what is the best way
22 to do business and doing the research and investigation into
23 what does the law say is the best way to do business?

24 MR. HERNANDEZ: Ms. Fua?

25 MS. FUA: Other than the survey in which you had
26 conducted about community response to your police force,

1 what other efforts have your police departments done to
2 solicit community input in various ways, especially on the
3 use of deadly force given what has happened in the community
4 in the last two years?

5 MR. DUNBAUGH: I have personally in the last year
6 have been at over 100 speaking engagements with literally
7 thousands of people from my community. And those are not
8 episodes where I tell people what is going on. Those are
9 shared communication episodes where I have an opportunity to
10 explain what's happening, what we're doing, what we're
11 trying to accomplish; and, at the same time, sit and talk
12 and receive feedback from literally thousands of people in
13 the last 12 months.

14 MR. HERNANDEZ: I'd like to just to follow up on
15 one question that we just kind of glossed over here, and I
16 just want to get back to it because I really -- it was
17 raised with such fervor that I'd like to get each one of
18 your feelings about the suggestion of an independent
19 civilian review board with subpoena power.

20 How do you feel about an independent civilian
21 review board with subpoena power being the agency or the
22 entity that would handle all police complaints? How would
23 you feel about that?

24 MR. PICCININI: I think my personal reaction is
25 that we have those mechanisms in place now and what we're
26 talking about is another bureaucratic duplication of

1 services and something that will be costly and at a time
2 when we're struggling to put more dispatchers in our
3 dispatch center, more officers on the street, more detention
4 people in our jail.

5 If we have a system that is responsive to citizen
6 complaints and utilizing current practices and law which
7 enables the Grand Jury to function as a review body, it
8 doesn't make a lot of sense to me to duplicate a process
9 that will mirror another process.

10 MR. HERNANDEZ: Yes?

11 MR. DUNBAUGH: Did you want each of us to respond
12 to it?

13 MR. HERNANDEZ: Yes, I would. Then Commissioner
14 Lee.

15 MR. ROONEY: I also believe we have processes that
16 can be used. However, if there is going to be a review
17 process, my only plea and request would be that it -- my
18 concern would be the process. If it's an objective process
19 whereby which the predetermined findings are not discussed
20 or planned out ahead, and the participants are of the
21 nonpartisan frame of mind as far as the council goes or
22 whatever -- the advisory board, that would be okay.

23 The problem I've got is I'm somewhat prejudiced.
24 I'm from Southern California. Down there, if the finding
25 doesn't come out, you now have a review board to review the
26 review board. And so I don't know what it would

1 accomplish. So much depends on how it is formulated,
2 structured, and then how the process takes place.

3 MR. HERNANDEZ: Chief.

4 MR. DUNBAUGH: I'm open to the concept of civilian
5 review. I have been in my entire career. I come from a
6 community that now has a civilian review board. That's
7 Santa Cruz. And, interestingly, Santa Cruz had an
8 officer-involved shooting back in October or November and
9 the review board wound up evaluating it and deciding that
10 the officer acted within policy and procedure and there's
11 now a movement on board to replace the review board. And
12 that's what I would be concerned about.

13 I've studied Berkeley's and San Francisco's. I
14 understand that we have a state law in place now largely
15 because of those two review boards being unable or unwilling
16 to complete citizen complaint investigations in a timely
17 fashion. So the unions were capable of getting a law in
18 place that says you have one year from the date that you
19 know, and there's certain exceptions, to complete an
20 investigation primarily because of those two situations
21 where they're taking sometimes three and four years to
22 conduct a citizen complaint investigation.

23 Secondly, the San Francisco model has a budget of
24 about \$1 million. The Berkeley model has a budget of about
25 half a million dollars. I've already explained to you what
26 I'm going through in terms of finances, and my preference

1 would be that we put the money out there for services for
2 the community. But I'm open to the concept.

3 MR. HERNANDEZ: Okay. Commissioner Lee, and then
4 Ms. Spanos-Hawkey, and then Ms. Hesse, and then
5 Mr. Pomerantz.

6 MS. LEE: I'm just so eager to get all of the
7 information from our experts. I have a few more questions.

8 Can all of you or one of you walk through for me
9 the scenario. What is your policy and what is the officer
10 expected to do in response to a volatile situation involving
11 someone whose mental state may not be completely normal at
12 that time?

13 You mentioned you have a psychiatric support
14 team. When are they being called? How are they being used
15 in that situation?

16 And also, we heard from earlier panels about 9-1-1
17 calls involving some of the police deaths. What kind of
18 information from those 9-1-1 calls are being transmitted to
19 the officers? Or how are they being transmitted to officers
20 before the officers actually show up at the scene? If you
21 can just give me -- bear with me because I'm not a law
22 enforcement person -- step by step how this situation
23 happens.

24 MR. DUNBAUGH: Yes. One of the frustrations of
25 this forum, probably for you as well us, is that there isn't
26 enough time to cover everything we'd really like to have

1 covered.

2 I can address the issue in regards to the Mental
3 Health Response Team. They respond after the situation is
4 under control. What we discover frequently is that families
5 are terribly victimized by family members who become
6 mentally ill and they struggle with trying to find ways to
7 deal with it. And their preference is not that law
8 enforcement intercedes and takes their loved ones off to the
9 psychiatric unit; their preference is, instead, that they
10 get the social service and therapeutic help that they can in
11 a home, preferably, and that doesn't result in an
12 incarceration.

13 So this team responds when it's safe to respond.
14 And they're not responding from the police department. As I
15 said, they're not funded solely for this purpose. They come
16 out of the mental health unit. It takes them roughly 15 to
17 20 minutes to get someplace.

18 MS. LEE: So who calls the psychiatric team? The
19 officers?

20 MR. DUNBAUGH: No. Our dispatch will do it as
21 soon as the officer advises that the situation is under
22 control.

23 MS. LEE: So the officer -- let's just take the
24 Kao case, for instance. He was extremely intoxicated. In
25 your opinion, do you think the officer should have called
26 the psychiatric team to diffuse the situation first before

1 the shot was fired?

2 MR. DUNBAUGH: The officer was there 34 seconds.
3 I don't think the officer had time to do anything except
4 save his life.

5 MR. HERNANDEZ: Order please. Order.

6 MS. LEE: So bear with me again. You have the
7 psychiatric support team in place, whose primary
8 responsibility is to assist the officer -- officers to
9 diffuse a very volatile situation that could escalate with
10 very minimal contact.

11 Under what circumstance are officers trained or
12 told to utilize that psychiatric team before the officers
13 take action?

14 MR. DUNBAUGH: The officers in our organization
15 have all gone through training with mental health
16 situations. In fact, in just the last four months, there's
17 been training on this topic.

18 Now, you're asking who is responsible, as I hear
19 it, just so I understand the question, who is responsible
20 for coming into a situation that is out of control and
21 bringing control to it?

22 MS. LEE: We'll, I'm just using the San Francisco
23 model.

24 MR. DUNBAUGH: I'm sorry, but you'll have to tell
25 us what that is.

26 MS. LEE: If somebody is viewed as someone who is

1 just out of control, they're not holding a gun at anybody,
2 they may be a danger to themselves. The officers may --
3 especially you mentioned you have the psychiatric support
4 team who is backing them up -- who should be backing them
5 up.

6 Do you think the officers should contact those
7 people for assistance because this is clearly a psychiatric
8 situation?

9 MR. DUNBAUGH: Once they figure out that it's a
10 psychiatric situation, absolutely.

11 MS. LEE: Okay. So within 34 seconds, officers
12 would not be able to judge whether it's a psychiatric
13 situation. Is that what you're saying?

14 MR. DUNBAUGH: If Chief Rooney and I stood up and
15 started to fistfight in the middle of this room and it was
16 your responsibility to stop it, you would have to do
17 something to stop it. And I don't think picking up the
18 phone and calling the psychiatric team to respond is going
19 to stop us from fighting.

20 MS. LEE: But if you're fighting among
21 yourselves, if you're yelling among yourselves. . .

22 If I could just ask one more question. You
23 mentioned that you have a personnel support program to
24 assist your officers to deal with the personal needs of
25 whatever. Do you have any policies in place to monitor the
26 officers' ongoing physical and emotional status to make sure

1 that they are in continued good physical and emotional shape
2 to carry out the work that they are sworn to carry out? And
3 how often are those processes being made? Or evaluation.

4 MR. DUNBAUGH: They're routine in our
5 organization, yes. They're in place and they're integrated
6 and involved with the Human Resources Department for the
7 City of Santa Rosa.

8 MS. LEE: And how often are they being done?

9 MR. DUNBAUGH: Every six months is when we'll --

10 MS. LEE: For each officer?

11 MR. DUNBAUGH: Every employee will go through an
12 employee review every six months.

13 MS. LEE: And the review is by whom? The review
14 is by. . .?

15 MR. DUNBAUGH: Supervisory and management staff.

16 MR. HERNANDEZ: Ms. Spanos-Hawkey.

17 MS. SPANOS-HAWKEY: First of all, I'd like, since
18 we got all of these materials just today and haven't had the
19 time to speed-read them, if this is not included in your
20 packets, I'd like to have a copy to go into the record.
21 First of all, I know the Sheriff has given his mission
22 statement, as you have. Guidelines for conduct of
23 behavior. What are your alternatives to violence? Your
24 policy on cultural sensitivity?

25 And I just want to say that I'm a graduate of a
26 Citizens Police Academy in Pasadena. It's one of the best

1 in all of California. And one of the things that happens
2 after you graduate is that one of the requirements is that
3 you serve on a review panel, which is not only the citizens
4 but also police officers. And I think that's an important
5 thing to consider.

6 I also urge you wholeheartedly to include the
7 Purple Berets, the ACLU. Because what we're looking at here
8 is distrust of a government organization. And the only way
9 you're going to find ways to eliminate this is by
10 inclusiveness. And I would like to see you do that.

11 Now, I have a question that came up in regards to
12 something quite different from this. Sheriff, I'd like you
13 to explain to me your policy on sexual harassment. I'm a
14 little boggled by the policy. You're asking someone to
15 waive their rights by signing off on this. Now, how is that
16 protecting that female?

17 MR. PICCININI: First of all, let me make a
18 comment. I said earlier that I thought that there were
19 certain people who have greatly misled this panel, and this
20 is a perfect example. We are not asking people to waive
21 their rights on the policy.

22 When we came out with a new unlawful harassment
23 policy, it was because we felt -- I felt that it was
24 extremely necessary to take a look at how we were doing
25 business and what could we do to stop the cycle. Because it
26 seemed like everything else we were doing wasn't working.

1 So let me describe the policy a little bit first.
2 What the policy does is to set up a procedure where a person
3 who is a victim of unlawful harassment, whether it be
4 sexual, job harassment, or any other kind of harassment
5 where their work environment makes them feel uncomfortable,
6 they can bring it forward. In fact, we've made it mandatory
7 to bring it forward.

8 And I know that there's also an accusation that
9 our policy is unlawful. Our policy was looked at, several
10 other agencies' policies, and brought it together and it was
11 reviewed by County Counsel and it was reviewed by our
12 Affirmative Action Department, and it was found to be right
13 in line with what we need to do today.

14 The purpose of making a mandatory reporting of
15 being a victim of unlawful harassment is twofold:

16 No. 1: I can't deal with it if I don't know that
17 it's happening. Somebody has to tell us. Sometimes we
18 don't see what's going on. Sometimes those little nuances
19 of things, somebody has to bring it to our attention if
20 we're going to deal with it.

21 No. 2: We want to take the burden of somebody
22 having to come forward. We don't want the spotlight turned
23 on them because they, in fact, came forward and reported
24 that they were a victim of unlawful harassment.

25 So by virtue of the paramilitary organization that
26 the police departments sometimes are, we said, "We're taking

1 that burden off your shoulders; we're telling you that you
2 have to come forward and tell us."

3 The third thing we do is we ask the victim, the
4 person who comes forward, "What would you like us to do?
5 How do you want this handled?" Because in the past, what
6 used to happen, in our department anyway, was an automatic
7 Internal Affairs investigation. And when you do that,
8 sometimes the spotlight is turned on very bright to the
9 victim.

10 So what we've chosen is a different path to ask
11 the victim, "What is it you'd like?" And the victim may
12 just say, "All I want is for it to stop. That's it." And
13 if it's a minor issue, we'll take immediate action to talk
14 to the suspect, if you will, the other employee.

15 Q (Inaudible.)

16 MR. PICCININI: Yes, I know. And that's why it's
17 part of the policy. And we will then take and talk to that
18 employee and we tell that employee in no uncertain terms
19 that it is to stop immediately. We will document it, we'll
20 go back to the victim and ask the victim: "This is what
21 we've done. Are you satisfied or should we be doing
22 something else?" And we've already had occasion where this
23 has worked and the victim said, "I'm very happy. That's all
24 I want to do." And the case is closed.

25 Now, what we have our people doing, and it's not
26 just the females of the department, it is every member of

1 the department, was asked to sign that they got a copy of
2 the sexual harassment policy. So that if we had a problem
3 down the road, nobody could say, "I didn't get a copy, I
4 didn't know about it."

5 MS. SPANOS-HAWKEY: Is that in there?

6 MS. PICCININI: I believe it's in your folder.
7 And if not, I'll certainly make sure you get one.

8 And the other thing that we've done is our
9 performance evaluation programs, which we do evaluate, we do
10 it on an annual basis -- new employees, every six months --
11 right in the evaluation format the requirement of the
12 supervisors is to say, "Are you familiar with the critical
13 incident policies?" And depending on what your -- if it's
14 in the patrol, it will be patrol policies. If you're in the
15 detention system, it would be a critical detention policy.

16 But all of the employees have one thing in common,
17 and that's an unlawful harassment policy. The supervisor is
18 required to say, "Are you familiar with it?" And, "Have you
19 had any problems with it?"

20 And it's our goal to try and reach out and make it
21 as easy as we can for the victims, to make it as tough as we
22 can for those who have violated it, and to make it as quick
23 and as responsive as possible so that the citizens of this
24 county aren't paying any more money on lawsuits.

25 And I need to add one more thing. I sat down with
26 many of the females in our department and talked about this

1 and asked if they were comfortable with this. And the
2 response so far has been very positive. I have to do
3 something. And it is compliant with state and federal law.

4 MR. HERNANDEZ: Ms. Hesse.

5 MS. HESSE: This morning we received on the record
6 a copy of a Grand Jury report, I think, that was critical of
7 how you handle citizen complaints. By law, I believe that
8 you're required to respond to a Grand Jury report. So we
9 would like to complete the record by also receiving the
10 response that you sent to the Grand Jury at that time.

11 A lot of what we're talking about this morning has
12 to do with the profiles of your departments and policies,
13 and we're also talking about budget, and we're talking about
14 training and what your department looks like and where you
15 put your money.

16 I would like to get some information from you.
17 I'd like to know in terms of when you're negotiating
18 contracts with your officers, what departments do you use as
19 a benchmark? Who do you compare yourselves to? Because
20 that will tell me what you pay and what you think you look
21 like or who we would compare you to.

22 We received a lot of statistics this morning on
23 the number of deaths. We need to know -- I'd like to have a
24 second set of statistics that show who it is that you're
25 comparing yourself to in labor negotiations.

26 Also, we've talked a lot about -- there's a very

1 gratuitous letter in here from the Sheriff, he's included it
2 in his packet, from the county supervisors who said that
3 they've met all of your budgetary needs. That's basically
4 what it says here. The Board of Supervisors has responded
5 very positively to the requests from the Sheriff's
6 Department to fund new programs in training and critical
7 needs of that community.

8 When we talk about recruitment and training of the
9 officers, I think years ago it was the Kerner Commission
10 that said that an educated police force or educated law
11 enforcement was a better law enforcement. Is there an
12 educational incentive package that you offer your officers?
13 What is the minimum requirements to become a police officer
14 or a sheriff?

15 I think this information is relative to what we
16 are looking at. If you can answer that today, that would be
17 fine. If you want to submit that in written form, that
18 would be fine, also.

19 MR. DUNBAUGH: We have all of that available to
20 you and everything that you've mentioned, we have. And it's
21 all very good, to be quite honest.

22 MR. HERNANDEZ: Mr. Pomerantz. And this will be
23 the last --

24 Let me just -- before you respond, Mr. Pomerantz:
25 Let me just note for the record, since you brought it up,
26 Ms. Hesse, that we have received a copy of a letter of

1 support from Paul Kelley, Chairman of the Sonoma County
2 Board of Supervisors in support of the law enforcement --
3 the Sheriff's Department in this county. And there were
4 copies to you, Mr. Sheriff, and copies to the
5 Press Democrat.

6 So just let the record reflect. And the letter of
7 support from Paul Kelley, Chairman of the Sonoma call County
8 Board of Supervisors, will be entered into the record.

9 Mr. Pomerantz.

10 MR. POMERANTZ: It was mentioned previously that a
11 survey had indicated that 85 or 86 percent of the residents
12 in the area are satisfied with the level of law
13 enforcement. Additionally, Grand Juries are typically
14 comprised of individuals who aren't working because of the
15 commitment in time.

16 Given the fact that that means that we're talking
17 a significant number of retirees, I guess I have two
18 questions. One is if you know what the current sex and
19 ethnic makeup of the Grand Jury might be. I think that
20 would be helpful.

21 And then how comfortable are the three of you with
22 the Grand Jury as it is constituted as a body that, at least
23 superficially, can impartially review those actions that are
24 brought before it?

25 MR. PICCININI: As far as the makeup of the Grand
26 Jury, I don't have that. I'll certainly be happy to provide

1 you with that information. As far as the comfort level of
2 the Grand Jury, I think even the speakers that were here
3 earlier indicated that the Grand Jury is not afraid to be
4 critical of law enforcement or, for that latter, any form of
5 government. They have.

6 And it's my belief that law enforcement has been
7 responsive to the Grand Jury's criticisms. So I'm pretty
8 comfortable with their ability to take a look at what we do
9 and how we do it.

10 MR. DUNBAUGH: They have been quite critical in
11 the past, it's been my experience so far. And in some
12 cases, deservedly so and we've been responsive to that.

13 MR. HERNANDEZ: Commissioner Lee has one last
14 pressing question and then that's the last one.

15 MS. LEE: I promise. This is just a use of force
16 or level of force question.

17 In situations involving people who are not holding
18 hostages, not holding a gun, or chemical bombs or whatever,
19 what kind of policies do you have for your officers in terms
20 of baton use, pepper spray or anything to diffuse the
21 situation before a gun is being used as a last resort?

22 MR. DUNBAUGH: It's in the policy that we've
23 provided you. And officers start with the continuum of
24 verbal control, trying to control the situation by ordering
25 people to stop, and raising their voice and taking control
26 of the situation that way if they can.

1 There is no requirement that you then graduate to
2 your mace, and you then graduate to your nightstick. There
3 is no requirement that you retreat. Those are options, all
4 of those. And those are options that will be Monday morning
5 quarterbacked if you're wrong and consequences if you're
6 wrong that will affect the rest of your career.

7 MR. ROONEY: What you'll find when you look
8 through your packet is that Rohnert Park's use of force and
9 officer shooting policy are very consistent with everyone
10 else's because one of the unique things about the county is
11 we have the county protocols. So what Chief Dunbaugh has
12 described to you, you're going to find fairly consistent
13 throughout Sonoma County.

14 MR. HERNANDEZ: All right. I'm going to -- I want
15 to thank the Sheriff and the Chiefs for being so forthcoming
16 and so open with us. And I also want to note again and I
17 want to tell you how much we appreciate your voluntary
18 participation before us. And we very, very much appreciate
19 that..

20 Thank you for taking time as chief law enforcement
21 officers to be before us.

22 We will recess for a half hour. We will be
23 back -- We're going to recess for 15 minutes.

24 (Break taken at 1:15 p.m. until 1:35 p.m.)

25 MR. HERNANDEZ: Okay. I'm going to call the
26 meeting back to order. I want to do some housekeeping here

1 and noting we received some letters for inclusion in the
2 record.

3 We received a letter here from Linda McCabe,
4 President of Sonoma County Chapter of National Organization
5 for Women. Please let the record show that her letter of
6 February 20th, 1998, testimony submitted to U.S. Commission
7 on Civil Rights, will be entered into the record.

8 I also have a letter here from the Southwest Area
9 Citizens Group. Mr. David Buchholz, Southwest Area Citizens
10 Group, signed a letter. It's dated February 20th and
11 directed to myself as Chairman and Honorable Cruz Reynoso,
12 Vice-Chairman, and it will also be entered into the record.

13 I also have a letter from the West-End
14 Neighborhood Association signed by Carol Dean, President of
15 the West-End Neighborhood Association, directed to the Civil
16 Rights Commission; dated February 18th, 1998. It will be
17 entered into the record.

18 I also have a letter from Lea M. Barron-Thomas,
19 directed to U.S. Commission on Civil Rights and dated
20 February 19th, 1998. It will also be entered into the
21 record.

22 I also have a letter from the mayor of
23 Rohnert Park, Linda Spiro, dated February 20th, 1998,
24 directed to Ms. Ruby Moy, Staff Director of the U.S.
25 Commission on Civil Rights. It will be entered into the
26 record. And it is dated February 20th.

1 And I also have a letter here. Attached to this
2 letter from the mayor of Rohnert Park is a letter from
3 Patrick Rooney dated February 2nd -- a letter to Mr. Patrick
4 Rooney, Police Chief, Rohnert Park Department of Public
5 Safety. And it's signed by Richard W. Roberts, Chief of the
6 (inaudible) Section of the U.S. Department of Justice and
7 dated February 2nd, 1998, and it will be entered into the
8 record.

9 Okay. I think that's all of our housekeeping.

10 This afternoon's panel, we will continue with the
11 law enforcement section of the hearing. With us today
12 addressing law enforcement employment, training and
13 discipline is Michael Mullins, Sonoma County District
14 Attorney, and Jerry Schoenstein, Director of Basic Academy,
15 Santa Rosa Training Center, Santa Rosa Junior College.

16 And I'd like to have Mr. Mullins open the
17 hearing. Welcome, Mr. Mullins.

18 MR. MULLINS: Yes. Thank you. And thank you for
19 inviting me and asking me to be here.

20 MR. HERNANDEZ: Thank you for being here.

21 MR. MULLINS: You're welcome. According to the
22 letter I received, you would like me to address the issues
23 of the policies and procedures that my office implements in
24 investigating the use of deadly force by law enforcement
25 officers..

26 As the elected District Attorney of Sonoma County,

1 of course it's my function to enforce the state statutes
2 with reference to all uses of deadly force, whether it's by
3 a police officer or not, with reference to law enforcement
4 use of force and conduct. It's my duty then to determine
5 whether or not any penal statutes have been violated with
6 the exercise of that particular force.

7 To that end, I'm sure you have my resume. I've
8 been here a number of years as a prosecutor and as the
9 Assistant District Attorney, which is the title for the
10 second person in command, to Gene Tunney, my predecessor. I
11 was elected District Attorney in 1994 and began my service
12 in 1995.

13 So I've had the opportunity to serve both as a
14 Deputy District Attorney assigned to a particular critical
15 incident -- and I'll explain that terminology, if I may --
16 and as a supervisor of people assigned.

17 MR. REYNOSO: Excuse me; but you left out that you
18 were a UCLA grad.

19 MR. MULLINS: Yes, sir, I did. A lot of people
20 don't want to hear that up here. Thank you for reminding
21 me.

22 Before 1993, the District Attorney's Office
23 operated in conjunction with the different law enforcement
24 agencies in Sonoma County under a mutual agreement so that
25 if they would request our services to respond to a
26 particular scene to assist in the investigation, we would do

1 so. Usually it would be a prosecutor and one of the
2 investigators from our investigative section.

3 And by the way, I left with a member of your staff
4 a document which has some statistics that was requested
5 yesterday by Mr. Montez. I could not provide all of the
6 statistics in that period of time but if there are
7 additional statistics that you wish, you could notify me
8 later and I'll be happy to do so.

9 MR. HERNANDEZ: Thank you.

10 MR. MULLINS: This simply indicates that we have
11 10 investigators assigned to our criminal division.

12 In 1993, in conjunction with the chiefs and the
13 sheriff in Sonoma County, we undertook to write a protocol,
14 an agreement, if you will, which would describe what a
15 critical incident was and how the District Attorney would
16 function within that particular protocol.

17 This was to ensure that when an incident did
18 occur, we would be immediately notified and could respond.
19 It was to assist us in our channels of communication.

20 The critical incident -- quote, unquote -- I don't
21 know whether you have the document or not. I would hope you
22 will get it in the future. But you will see that it defines
23 a number of different incidents when the law enforcement
24 officer may be a victim, may be an actor, a participant, the
25 one who uses the deadly force, or may be simply involved,
26 not on duty in a possible criminal violation. So it's a

1 broader definition than I think the issues you're addressing
2 today, but I may be presumptuous.

3 Since 1993, we've been operating under that
4 particular protocol. It's designed to ensure that there is
5 a concurrent investigation. The District Attorney, again,
6 is present with an investigator. We concurrently
7 investigate the facts surrounding the particular incident.
8 And, of course, the District Attorney's perspective is to
9 look at the issues of criminal liability.

10 However, the investigative team is also looking at
11 the issue of administrative discipline if policies and
12 procedures may be violated. But again, the District
13 Attorney is looking at the criminal issues.

14 In the protocol, you will see, although at this
15 time I do not believe we have ever invoked it, the District
16 Attorney does, of course, have the option of relieving or
17 breaking away from the concurrent investigation and
18 investigating the incident solely with the resources of the
19 District Attorney and separate and apart.

20 But again, during my tenure here, both as a deputy
21 and as District Attorney, we've never used that particular
22 section.

23 Normally what would happen, we have a list of
24 deputy district attorneys that are on call so that they can
25 respond to a lot of different issues, search warrants,
26 et cetera. But if that deputy is called and notified there

1 is a critical incident, the instructions to the deputy are
2 to call myself; or, in my absence, my assistant or one of
3 the chiefs. Because we want to assign the most senior
4 people to these particular types of incidents.

5 And we have six people that we are assigning
6 besides myself, which would be the chief deputies, there are
7 three; the Assistant District Attorney; and two other
8 deputies who are very senior and have been in the office for
9 a number of years.

10 That, in a nutshell, is how we respond under the
11 protocol to these particular types of incidents. After it's
12 over, the investigation is completed, the forensic reports
13 have been forwarded to us, which takes some time -- usually
14 an investigation is lengthy because we're waiting for the
15 lab reports to come back -- the Deputy District Attorney
16 assigned writes a report, forwards the report to me, which
17 is a summary but includes with it all of the police reports
18 and forensic laboratory reports that have been gathered
19 together.

20 And I will make a final decision as to whether or
21 not criminal liability is involved. If there's a great deal
22 of press interest, I will issue a press release. Usually I
23 also write, of course, to the chief of police or the
24 sheriff, depending on the situation.

25 Thank you for the time to explain my role, and I'm
26 ready to answer questions after my co-participant finishes.

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MR. HERNANDEZ: Thank you.

You may proceed, Mr. Schoenstein. Please state your name and what you do for the record.

MR. SCHOENSTEIN: I'm Jerry Schoenstein; I'm the Director of the Basic Law Enforcement Course at the Santa Rosa Training Center at Santa Rosa Junior College. And I'd like to thank this Committee for allowing me to be here today to testify for you.

I'd like to begin a little bit by explaining what it is we are and how we may relate to law enforcement training in this community. The Santa Rosa Training Center is a part of the Santa Rosa Junior College. It is a regional public safety training center of which one of its tasks is to provide law enforcement training to this community and also to this region.

The Santa Rosa Training Center, in conjunction with the state regulatory agency, which is the Commission on Peace Officer Standards and Training, and our local law enforcement partners presents law enforcement training in the following areas. The basic course, which is the one I manage for the program; continuing professional training, which includes skills and knowledge programs and advanced officer training; supervisory training; and other specialized training such as dispatch training for law enforcement.

We also partner with local law enforcement

1 agencies to provide citizens police academies in four
2 jurisdictions in this county. Sonoma Sheriff's Department,
3 Rohnert Park Department of Public Safety, Santa Rosa Police
4 Department, and the Petaluma Police Department provide
5 citizens academies to their citizens. The junior college,
6 through the training center, assists them by providing
7 financial reimbursement for instruction because some of
8 their instructors are on our staff.

9 And these academies allow citizens in those
10 particular communities the opportunity to gain insight into
11 the officer's perspective of providing law enforcement
12 services to the community.

13 In addition to these activities, we also share
14 costs with our law enforcement partners to permit in --
15 recruit women and other underrepresented groups to law
16 enforcement careers. The college sponsors Careers in Law
17 Enforcement and Women in Law Enforcement seminars three
18 times a year.

19 We utilize agency resources and our own to
20 advertise these activities by advertising in local
21 newspapers, in both English and Spanish language papers,
22 radio advertisement on both English and Spanish language
23 stations. We do theater on-screen advertising for these
24 programs.

25 We advertise through the Santa Rosa Junior College
26 catalog which is distributed countywide. We have developed

1 brochures in English and in Spanish for these programs which
2 the college distributes and a variety of others types of
3 programs.

4 And those programs are high school career days,
5 participating in our Hispanic Chamber of Commerce career
6 day, and doing outreach to community and business groups by
7 speaking at breakfast, luncheon and dinner meetings, such as
8 the Rotary Clubs, Elk Clubs and business groups along those
9 lines.

10 So we're active in trying to recruit folks from a
11 broad spectrum to our programs and to explain what a law
12 enforcement career might offer them.

13 We also work with the Latino Peace Officers
14 Association to identify police academy students who may
15 qualify for school scholarships while attending our academy.
16 And we've done that now for about the last four years. And
17 we've provided a method by which that particular
18 organization can identify prospective students who may be
19 eligible for those scholarships.

20 I was also asked to address the issue about law
21 enforcement training and what it does for our society. I
22 believe that quality law enforcement training can and does
23 influence the profession in a positive fashion. I believe
24 that influence has a dramatic impact on society as a whole.

25 I believe our students, our training is of the
26 highest quality. Our training system is influenced by law

1 enforcement needs and by society we serve. We are regularly
2 contacted by interested parties who are concerned about the
3 curriculum which we deliver to our trainees.

4 During the last year, I have spoken to regional
5 advocates of the developmentally disabled, the mentally ill,
6 sexually and physically abused advocates -- or advocates for
7 those particular groups. And these advocates have a valid
8 interest in how officers respond to the needs of their
9 clients. They have generally been satisfied that our
10 curriculum meets the requirements.

11 The document which I provided to you earlier is an
12 outline of the hourly breakdown of the police academy
13 curriculum.

14 MR. HERNANDEZ: Excuse me just for the record. Is
15 that the document entitled, "Basic Academy Hours"?

16 MR. SCHOENSTEIN: That's correct.

17 MR. HERNANDEZ: That you gave us that has kind of
18 a spreadsheet format?

19 MR. SCHOENSTEIN: Yes, it does.

20 MR. HERNANDEZ: Okay.

21 MR. SCHOENSTEIN: The column on the far right of
22 that document shows the hourly distribution of our basic
23 academy. The column on the left shows the minimum hourly
24 requirements set by the state regulatory agency, POST. This
25 curriculum does deal with the use of force and firearms
26 proficiency.

1 However, much more time in the aggregate is spent
2 on other topics which assist in the development of skills
3 and knowledge which officers need in order to reduce the
4 hazards which normally occur in the performance of their
5 job.

6 I think it's important to look at the number of
7 hours that are there and recognize that while there are
8 hours devoted to developing proficiency in certain of those
9 skills, the ones that we have other than uses of deadly
10 force or other than uses of force far outweigh the ones
11 where we talk about use of force.

12 Finally, I believe that the Santa Rosa Training
13 Center and its law enforcement partners serve the needs of
14 the citizens of the county and the peace officers that serve
15 them by providing the best training possible during these
16 increasingly complex times.

17 I'd be happy to answer any questions you may have
18 and I thank you for the opportunity to make a statement.

19 MR. HERNANDEZ: Thank you both for taking time out
20 of your busy schedule to be with us.

21 I'd like to open the questions now to the panel.

22 Yes, Commissioner Reynoso.

23 MR. REYNOSO: I have a general question for both
24 of you. I'd like to precede it by making an observation in
25 terms of my experience with this Commission. I've attended
26 hearings in Los Angeles, Miami, New York, Mississippi and

1 many sessions in Washington, D.C., and I have -- and the
2 issue of police-community relations have come up in many of
3 those hearings.

4 In none of them have I seen sort of the intensity
5 of interest that I've seen at the hearings here, nor have I
6 seen what appears to be sort of a "they and us" attitude. I
7 mean, for example, the wearing of the badge. And I don't
8 mean to be disrespectful, but it seems to say, "By golly;
9 we're the police." And then other people sort of on the
10 other side, sort of a "we and they" attitude when,
11 manifestly, that ought not to be. That is, that there ought
12 to be a sense of confidence on the part of the police in all
13 members of the community and all members of the community
14 ought to have that sense of confidence in the police.

15 So my general question to the two of you is the
16 following: What's up? What do you think is happening here
17 in Sonoma? Because I just wanted to precede my question
18 with that statement because there's something here, it seems
19 to be not particularly healthy just in terms of what I have
20 been able to see and in terms -- and hear at this hearing.
21 So what do you think has gone awry? What should the
22 community do? What should we do? The general question but
23 a matter of some concern.

24 Yes, sir.

25 MR. MULLINS: Generally speaking, one thing that I
26 personally believe has occurred over the years is that we,

1 meaning we law enforcement, and I'll include myself in the
2 group, have handled critical incidents, incidents where law
3 enforcement officers use force, like we do other criminal
4 investigations. So I am very mindful of the problems of
5 dealing with the media and how, of necessity, we are almost
6 secret with what's going on while we're doing the
7 investigation.

8 You get into habits. As a long-time prosecutor, I
9 do not want to see myself quoted in the newspaper when I'm
10 trying a case. It's something I just don't do. I've had to
11 live out of town for three months at a time on change of
12 venue cases, and I do not want to repeat those experiences
13 and I do not want to have my people do so.

14 On the other hand, these are different. Incidents
15 where law enforcement officers use force are different.
16 Other than the acts of random violence which, unfortunately,
17 we experience at times. Because we have, as a society,
18 entrusted our law enforcement officials to use deadly
19 force.

20 Therefore, I think we need to be more forthcoming
21 with statements about what has occurred to the media.
22 Because if we don't, the media -- this is not a pejorative
23 statement -- it abhors a vacuum and information will come to
24 the media one way or the other.

25 And, unfortunately, if it doesn't come from those
26 who are in the position to have investigated the case and

1 talked to the witnesses, if it doesn't come from us, it
2 comes from other places and it comes from rumor and it comes
3 from neighborhoods. And so there's a lot of misinformation,
4 not intentional, but just because we've created this
5 vacuum.

6 So what we've learned is that we've got to be able
7 to inform the media so they can inform the public of what
8 we're finding out as we find it out rather than wait for
9 weeks, literally, for the investigation to close.

10 Now, there's a certain risk in that. There's a
11 risk that you're going to look at some facts and all of a
12 sudden a new fact comes in and changes it a little bit.
13 Well, that's a risk maybe we have to take and be more
14 forthcoming about it as the facts are accumulating.

15 So that's the first thing we've got to do. We've
16 sort of created this, and I take a certain amount of
17 personal responsibility for that. Okay? Because, quite
18 frankly, I've been the one on the phone telling chief
19 so-and-so, "Don't say anything. Wait a minute. Wait for
20 me. Wait." Maybe that was something I shouldn't have
21 done. Because these are different and I've learned that.

22 Number two. And I'll be brief. I think Sonoma
23 County is changing. Not think. I know it's changed. Our
24 population has virtually doubled in the last 20 years. Less
25 than 20 years. And so that has a certain amount of growing
26 pains.

1 We didn't have media attention in Sonoma County,
2 frankly. There was one newspaper. We didn't have TVs.
3 They still make me uncomfortable. I'm still not used to it.
4 I escaped from LA to go to bucolic Sonoma County. But I'm
5 getting used to it.

6 But the point is that people in both law
7 enforcement and advocacy groups are feeling their oats a
8 little bit about the media attention, I think. And that
9 results in some of this finger-pointing. I think. Those
10 are just my personal opinions.

11 MR. REYNOSO: I'm very appreciative of that
12 expression of opinion because I recall many years ago when I
13 as a young lawyer in El Centro, there was a police citizen
14 killing of a young Latino male and there was a great deal of
15 tension in the community. And there was a coroner's
16 inquest. And at that time the sheriff and corner were the
17 same person.

18 And I was representing the sister of the deceased,
19 and I was able to persuade the sheriff to allow me to
20 cross-examine the witnesses, and she didn't have to do that
21 at a coroner's inquest. But I think there was a sense of
22 confidence in the community that all of the facts had gotten
23 on the table because there was sort of cross-examination.
24 And it had a tendency to taint the waters.

25 The killing was an unfortunate one but it wasn't a
26 malevolent one. So I think, as you suggested, to get the

1 facts out quickly, I think on that occasion, had to be very
2 helpful. So I really very much appreciate your reaction to
3 it.

4 Sir, what's your reaction to my general question?

5 MR. SCHOENSTEIN: Since I'm wearing one of the
6 buttons. I don't find that that's -- you know, it's not
7 designed to act as a separator between me and the rest of
8 the community. I have another one on that I wear all the
9 time and that's for the California Academy Directors
10 Association.

11 So the particular button I'm wearing is obvious
12 that I do support the law enforcement community. They are
13 our primary client from the standpoint I work with them
14 daily to provide a service to them so they can better serve
15 this community.

16 MR. REYNOSO: I'd like to interject that I
17 consider the ability of a citizen to walk safely on the
18 streets one of the most important civil rights. So law
19 enforcement is very, very important. I think we'd all agree
20 with that. But I just wondered what your reaction was to my
21 general concern that there seems to be sort of that
22 division.

23 Because sometimes if there's tension, whether it's
24 justified or not, tension alone is a fact that we have to
25 deal with. And we on the Commission, when we go to various
26 communities, often see that. So I just wondered what your

1 reaction is to that.

2 MR. SCHOENSTEIN: Well, I think the main thing
3 that I can see is I'm relatively a short timer as far as a
4 resident in this county, although I've worked here for about
5 13 years through the college. The thing that I can see here
6 is the dynamic of this county has changed dramatically with
7 the population, demographics are changing radically. And I
8 think that, to a certain extent, causes some distrust.

9 Okay?

10 It causes some needed shifts in perceptions. And
11 those happen to probably take place last, not first, and
12 they're not always graceful. And I think that there is some
13 impact.

14 MR. REYNOSO: In that regard, you may have
15 heard -- I don't know if you were here to hear the last
16 panel, but we were told that surveys have been sent out, at
17 least by the City of Santa Rosa and the County Sheriff's
18 Office, asking the citizens, basically, "How well do you
19 think we're doing?" And the reports were that 82 to 85
20 percent of the responses were affirmative.

21 We weren't told, though I assume the study
22 indicates, what percentage responded. But I wonder if
23 whether those responses, if you know, indicated the
24 ethnicity, for example, of the individuals responding. That
25 is, at the same time we were told that 18 percent of the
26 population here is minority; and I just wondered whether the

1 minority community is overly represented in those 15 to
2 18 percent that had some qualms about the police
3 department.

4 I should think that would be important data for
5 you as a trainer and for the police departments to know how
6 well they're doing in each community, if you will, in the
7 county. You don't have to know.

8 Thank you, Mr. Chairman.

9 MR. HERNANDEZ: Commissioner Lee.

10 MS. LEE: A couple of questions first for
11 Mr. Schoenstein. You conduct training, basic course
12 training and advanced officer training. First question is
13 for basic training.

14 Earlier today, some of the panelists had suggested
15 that instead of just doing a one-hour or a couple of hours
16 training on cultural and diversity, maybe communities could
17 be brought into the academy so that they could learn
18 directly from the community. Is that something that you are
19 contemplating or are you doing that already?

20 MR. SCHOENSTEIN: We're not doing that presently.
21 I think the main concern that I have with a lot of this is
22 we have a very short period of time, 20 weeks worth of
23 academy training.

24 And one of the reasons -- I mean, this exceeds the
25 state minimum standard but when we start looking at those
26 particular issues, we are a regional training center. I

1 have students that come from outside of this community. Not
2 from just Sonoma County. They come from Mendocino County,
3 Lake County. As far away as Stockton Police Department. As
4 far north as Shasta County Sheriff's Department.

5 So from the standpoint of bringing people from the
6 community in to address special needs, it's a lot simpler to
7 do in a program where an academy is run by a police
8 department serving a specific community.

9 Los Angeles County, San Francisco or Oakland
10 Police Department, for instance, you know, has the ability
11 to identify a particular community or series of groups
12 within the community to come forward and address students in
13 their academy and have it be very effective as far as these
14 are people you're going to deal with when you come out onto
15 the street and these are the communities and the cultural
16 backgrounds that you should be familiar with.

17 In fact, we don't have the ability to specifically
18 identify particular cultural groups, racial groups to say --
19 to bring them in on cultural diversity training specifically
20 in that one -- in that narrow context within just Sonoma
21 County because we are dealing with broader aspects of it.

22 MS. LEE: So what kind of cultural and diversity
23 training do you provide within your academy?

24 MR. SCHOENSTEIN: Basically, I could give you a
25 curriculum outline for that, and I'd be happy to forward
26 that. But basically, what we're doing is we're talking

1 about self-awareness.

2 Within that, we have a fairly diverse group of
3 people, as I mentioned, that come in and we start talking
4 about the students who are there. And, quite frankly, we're
5 talking about a wide variety of students that come to us
6 from a variety of different agencies and we do some
7 self-examination. What's your cultural background? What's
8 your heritage? And what languages do you speak other than
9 English?

10 And by using that as a baseline in examining our
11 own perceptions about ourselves and how we view ourselves
12 differently from other people, we use that as the baseline
13 to start examining about how, as law enforcement officers,
14 we have to be aware that other people perceive -- our
15 perceptions of other groups may be very different than how
16 they perceive themselves. And that's how we do it as a
17 beginning.

18 MS. LEE: Okay. Can you provide us a breakdown
19 of your current and your last couple of academy classes;
20 their ethnic gender breakdown, just to see.

21 MR. SCHOENSTEIN: Right off the top, I have a
22 current class in session. I have two women in the class.

23 MS. LEE: Out of how many?

24 MR. SCHOENSTEIN: Out of how many people? We have
25 24 students currently -- 25 students. Correction. So two
26 females. One of those -- we have two blacks. Asians, I

1 think probably five. We're dealing with five Asians in this
2 particular class. And beyond that -- several Hispanics.
3 And the rest of them would be white male.

4 MR. HERNANDEZ: What about your teaching staff
5 itself? What kind of diversity do you have in the teaching
6 staff, just out of curiosity?

7 MR. SCHOENSTEIN: Based on the fact that we draw
8 from this particular locale, the majority, white male. We
9 do have some Native Americans and some women who teach in
10 our program. Out of about 50 instructors, I would say that
11 the -- you know, the majority, again, probably 85 percent of
12 those are white male.

13 MS. LEE: The second question that I have is in
14 terms of your advanced officers training. Who gets selected
15 to be a training officer? I imagine that's what you meant
16 by advanced training -- officer training?

17 MR. SCHOENSTEIN: Okay.

18 MS. LEE: Officers who are training to be
19 training officers? Is that what you meant?

20 MR. SCHOENSTEIN: No. In some of our training --
21 The advanced officer training that we have addresses needs
22 of specialties; crime scene investigations, which is maybe a
23 different type of focus, more skilled training for officers
24 who are doing that. How they get selected for those
25 courses? They're selected by their agencies based on agency
26 need.

1 MS. LEE: So for the training officers who are
2 training the younger, newer officers, you won't be involved
3 with that?

4 MR. SCHOENSTEIN: We have what we call recruit
5 training officers who work in our program. And they act as
6 my assistants and working with new recruits who are going
7 through the program. Those folks are part-time employees of
8 the college who are full-time peace officers working for
9 local communities here in this county.

10 We select them based on interviews with them and
11 by having their chiefs or sheriff recommend them to us as
12 role models and worthy of representing that agency in our
13 program.

14 Because I work with so many agencies, we have a
15 variety of officers from around this county working with us
16 on a part-time basis in our programs. They're part-time
17 employees for us.

18 MS. LEE: If I may ask one more question to Mr.
19 Mullins. You talked about the officers involved with
20 shootings or whatever. Do you keep records -- or who keeps
21 records of officers who are involved with using deadly
22 force?

23 MR. MULLINS: I have not kept records on how many
24 critical incidents we've had. Recently I did see a
25 compilation from Santa Rosa that was provided to me by their
26 City Attorney, but I have not kept statistical records about

1 how many we've had.

2 MS. LEE: Do you plan to start keeping records?

3 MR. MULLINS: Well. . . If that is your
4 suggestion, I certainly would do so.

5 MS. LEE: That is my suggestion.

6 MR. MULLINS: I will.

7 MR. HERNANDEZ: Ms. Buitrago?

8 MS. BUITRAGO: My question is for Mr. Mullins.
9 I'm not sure to be concerned about this but I think that my
10 question would be if you thought about potential problems
11 that might exist by combining the criminal and the
12 administrative investigation? And the reason for that is
13 the criminal burden of proof to find someone criminally
14 liable is very high. Whereas, when you're dealing with
15 administrative, employment-related issues that kind of
16 relate to the community, et cetera, that burden of proof is
17 very different.

18 And in reading the newspapers, as a matter of
19 fact, it seems I kept hearing, "Well, the DA investigated
20 and there was no criminality and so-and-so investigated it."

21 And I'm just wondering whether there's a chance
22 that, since the burden is so high for criminal, if you find
23 that there was no criminal liability that then, by default,
24 the administrative process is tainted by that decision.

25 MR. MULLINS: I try to be careful about how I
26 respond publicly to the results of an investigation. For

1 obvious reasons.

2 First of all, I think that I have a role in
3 educating the public as best I can as to what has occurred
4 and why it occurred. For example, if I thought that a
5 particular case may not be justified but I could not prove
6 it beyond a reasonable doubt, I would say that.

7 I think the other issue is would the fact that the
8 District Attorney decides not to bring criminal charges mean
9 that a city or the Sheriff's Department would not impose
10 discipline? And that would only depend, I think, on the
11 honesty of each individual agency.

12 Certainly, they should not be unwilling to impose
13 discipline simply because I have not filed criminal
14 charges. One of the reasons, also, it's interesting for the
15 reason we -- one reason we combine these processes is to
16 ensure that we obtain all of the evidence.

17 You know, when a police officer is questioned
18 about an incident, under the Police Officers Bill of Rights,
19 the police officer, he or she, must respond. Is sort of
20 compelled. And one of the issues in the law that is yet
21 unresolved, and we've been dealing with this issue
22 tangentially on another case, is whether or not the District
23 Attorney may use compelled testimony. Fifth Amendment
24 problem.

25 By combining the investigation -- and I've sat
26 across the table, just like this, and questioned a police

1 officer with the police officer's attorney right next to
2 him, I alleviate that situation, in my opinion. So that I
3 don't have to worry about the testimony being compelled
4 because it is but I'm there and so there's a waiver.

5 And then, of course, you get into other issues
6 about whether or not the compelled testimony leading to
7 other evidence, whether it be the fruit of a poisoned
8 stream. I have to worry about that.

9 So by combining the investigations, when we first
10 drafted this protocol, if you will, I was frankly attempting
11 to alleviate some of those issues.

12 But, again, whether or not an agency would fail to
13 impose discipline because I said there was not sufficient
14 evidence is an issue for each agency and that is a very
15 important issue.

16 MR. HERNANDEZ: I have a question. There was
17 earlier testimony -- in fact, at the beginning of these
18 hearings this morning, where a number of people suggested
19 that maybe one of the -- one of the ways to handle this
20 would be an independent civilian review board with subpoena
21 power.

22 How do you feel about that particular approach to
23 the problem of police practices and procedures and
24 especially in officer-involved shootings and use of force?

25 MR. MULLINS: I've stated publicly that
26 conceptually I do not oppose a civilian review board. As a

1 concept. It would depend -- And now I'm responding as a
2 citizen and I'll explain that in a minute. It would depend
3 on the will of the community, it would have to be supported
4 by the community.

5 Number two; it would depend on the clarity, the
6 mission statement. It would have to be very clear what this
7 civilian review board were to do.

8 And, thirdly, it would depend upon who decides who
9 shall be sitting upon it and how that person or persons how
10 they will be selected.

11 Because my personal opinion as a citizen, and I'm
12 only basing this on reading about other places because I've
13 never been in a jurisdiction where there is one. It appears
14 in some places it can be extremely divisive and that seems
15 to have been the experience.

16 Where I know I've read one story, and I'm
17 depending on the media for accuracy here, but I read one
18 story where a member of the civilian review board was
19 allegedly hounded off the review board because that member
20 did not vote -- did not vote -- to impose discipline and
21 segments of the community thought discipline should have
22 been imposed. You see?

23 All right. But the bottom line for me, for the
24 District Attorney is it doesn't change my mandated duty. If
25 a civilian review board cleared a police officer and I
26 disagreed based on the evidence that we had gathered, I

1 would be duty bound to file criminal charge. Because I
2 answer to the State Constitution and the United States
3 Constitution. So it doesn't change my duty nor my
4 responsibility.

5 So from that point of view, it's not difficult for
6 the District Attorney to say, "Go ahead and have one." All
7 right? But that's why I, as a citizen, I think it's
8 important that I couch my recommendation or my opinion with
9 the idea that it's important that you do those three things.

10 MR. HERNANDEZ: By the same token, Mr. Mullins,
11 if you -- if you disagreed with a review board and a review
12 board found that there was some problem, you could also
13 choose not to prosecute. Is that correct?

14 MR. MULLINS: Yes, Doctor.

15 MR. HERNANDEZ: Ms. Fua and then Mr. Carney.

16 MS. FUA: In the past five years, let's say, how
17 often has a complaint been upheld by your office,
18 percentage-wise, of a complaint of use of a deadly force by
19 a police officer?

20 MR. MULLINS: I need to understand your question.
21 How often has --

22 MS. FUA: How often --

23 MR. MULLINS: How often have we filed a complaint
24 against the police?

25 MS. FUA: Yes. How often -- Basically, I guess it
26 should be a two-part question. How often have charges been

1 filed and what percentage of those charges have been
2 sustained?

3 MR. MULLINS: In the fast five years, to my
4 knowledge, we have had -- we have not filed a criminal
5 complaint against a police officer for the use of deadly
6 force. Correct. In the past three years, we have filed a
7 complaint against a police officer for misuse of his
8 authority.

9 MS. FUA: And how many -- When you said there were
10 five or three, how many complaints do you get in a year?
11 Approximately.

12 MR. MULLINS: Okay. I don't know how many I get
13 in a year. I've never averaged it out. I can tell you that
14 I recently looked at a survey done by the Santa Rosa City
15 Attorney, which had a review of their cases, and it went
16 back 10 years.

17 And the interesting part to me is there was a
18 period of two years where there were none. And then in a
19 five-year period, there were several; I would say five to
20 seven. And then from about '92 -- '91, '93, there were
21 none. And then all of a sudden, there were five or seven.

22 The only thing I can say is, statistically, I have
23 not seen an average. And they come in a wide variety. If
24 we -- you can break out just use of firearm or you -- there
25 are all sorts of other situations, too.

26 Critical incidents. When I think of these

1 critical incidents, I'm thinking the broad definition of
2 protocol. Not just the use of the firearm.

3 MS. FUA: Okay. Then in terms of critical
4 incidents, how many incidents have been complained of and
5 how many incidents has your office filed charges against an
6 officer?

7 MR. MULLINS: I have not filed charges against an
8 officer involved in a critical incident since I've been
9 District Attorney.

10 MS. FUA: And how long has that been?

11 MR. MULLINS: Three years.

12 MR. HERNANDEZ: Mr. Carney?

13 MR. CARNEY: Q Thank you.

14 Mr. Mullins, as the District Attorney in this
15 county, do you have any kind of a policy in effect regarding
16 the convicted police officers for domestic violence and the
17 -- and a follow-up situation, that is, for compliance with
18 the federal and state mandates with regard to firearms? Is
19 there any policy in effect in your office?

20 MR. MULLINS: Are you talking about the individual
21 police officers that I supervise?

22 MR. CARNEY: No, no. I'm talking about police
23 officers who may be convicted of domestic violence, spousal
24 abuse, and the mandates of both federal and state law that
25 indicate they cannot possess firearms.

26 Do you have any policy in place where you follow

1 up to ensure the community that those restrictions are
2 adhered to?

3 MR. MULLINS: I have no written policy. But,
4 obviously, if someone were found in possession of a weapon,
5 just like anybody else, that was a violation of
6 Section 12021 of the Penal Code and the report were brought
7 to me and I could prove it beyond a reasonable doubt, I
8 would file a charge.

9 MR. CARNEY: I understand. Have you had any kind
10 of conference or meeting of the minds with the chiefs of
11 police and the sheriff regarding that particular issue?

12 MR. MULLINS: No. One chief asked me to -- asked
13 me a question about the constitutionality of the statute,
14 and I answered that question; and the answer was, "I believe
15 it was constitutional, yes."

16 An investigators' association asked my
17 assistance -- Well, asked me and I provided my assistance at
18 that conference to discuss the federal law and its
19 ramifications. Yes.

20 But other than those two incidences, I have not
21 been asked -- I have not been asked to have a meeting of the
22 minds. But if I were asked, I would tell them it's a
23 violation of the statute.

24 MR. CARNEY: Now, with respect to your duties as
25 the District Attorney, isn't it a fact that when you are
26 presented with a case, it's presented by the police

1 department or the police agency administrative agency such
2 as the Contractor's Board or something like that, or the
3 Department of Employment or Insurance or something like
4 that -- isn't that correct? You're presented with certain
5 information regarding a crime.

6 MR. MULLINS: Yes, sir.

7 MR. CARNEY: And it's your duty to determine
8 whether or not you have sufficient evidence presented to you
9 to prove the case beyond a reasonable doubt.

10 MR. MULLINS: Yes, sir.

11 MR. CARNEY: And in that case, you would file the
12 charges; correct?

13 MR. MULLINS: Yes, sir.

14 MR. CARNEY: Thank you.

15 MR. HERNANDEZ: Yes. Are there any questions on
16 this side? Ms. Spanos-Hawkey?

17 MS. SPANOS-HAWKEY: I've been reading about you in
18 one of the local magazines, I believe. And there are some
19 allegations that you are unresponsive, that your department
20 is unresponsive to batteries, that phone calls are not
21 returned, that women are kind of left out on a limb to deal
22 with their abuser and many times have been killed, maimed.
23 And I just would like your response to that.

24 MR. MULLINS: Yes, there have been groups that
25 have been critical of our program concerning domestic
26 violence. And, yes, we have responded to that.

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MS. SPANOS-HAWKEY: In what way?

MR. MULLINS: Thank you. First of all, we established a vertical prosecution unit, meaning that certain prosecutors will be assigned to a Domestic Violence Adult Sexual Assault Unit. A unit that is supervised by my assistant. That unit is designated to handle felony cases from filing until sentencing.

Second of all, we obtained a grant from the Department of Justice through the Spousal Abuse Prosecution Program. And in addition to that grant, we obtained funds from the Board of Supervisors for domestic violence counselors.

We believed that we should enhance our ability to communicate with the victims of domestic violence because, first of all, that group of people needs special support, and may find difficulty in communication with law enforcement. So the domestic violence counselor is modeled after the family violence project counselors in San Francisco.

In other words, the victim is assured of confidentiality and the counselors receive an extra copy of the police report. There are three copies of a police report submitted to my office of a domestic violence case. One is for the defense at discovery and one is for the prosecutor to make a determination on whether to file the charge. But immediately a copy is sent to the domestic

1 violence counselor whose object is to try and make contact
2 with that victim.

3 We've managed to expand that to both felony and
4 misdemeanor cases. To make contact with the victim to
5 ensure a free flow of communication, to find out from the
6 victim, usually herself, usually it's a female, what's going
7 on. To provide support, to provide advocacy in the
8 courtroom.

9 Next, in conjunction with the courts, we obtained
10 funds from the Board of Supervisors to establish a Domestic
11 Violence Court. The court is modeled on other courts.
12 Specifically, those in the Rio Hondo Municipal Court, one
13 other in Los Angeles, and the South Bay Municipal Court in
14 San Diego.

15 The model is to take all misdemeanor cases which
16 before were spread amongst the three other courts and put
17 them into one court to assign an experienced prosecutor to
18 the court who would be handling all of those particular
19 cases up to a point.

20 To obtain access for the Public Defender inside
21 the jail to the person who might be accused of the crime so
22 the Public Defender immediately can establish some
23 communication with that individual.

24 We also conducted training, and continue to
25 conduct training, of police officers with the vision that we
26 are trying to establish a case that may be proved beyond a

1 reasonable doubt without the assistance of the victim.

2 Victims, because of the dynamics of domestic
3 violence, often recant or don't show up. And we were
4 losing, prior to the advent of this procedure, at least
5 50 percent of our misdemeanor cases because we couldn't
6 obtain cooperation.

7 But with enhanced investigation techniques, such
8 as Polaroid cameras in every police officer's car, we
9 require that those photographs be attached to the police
10 report when it arrives in my office. The photographs then
11 are available to the court, to the Public Defender. And
12 more importantly, they may be shown immediately to the
13 perpetrator.

14 We also require that the 9-1-1 tape be
15 automatically obtained rather than wait for a request from
16 the prosecutor. Because the 9-1-1 tape, if it exists, may
17 be a unique repository of evidence because it's a
18 spontaneous statement. We encourage our prosecutors to use
19 spontaneous statements whenever possible, to use the
20 Evidence Code, which has been changed and modified, and
21 there's case law that's assisted us.

22 So those are the steps that we have taken in order
23 to enhance our ability to handle these particular cases.
24 I'd invite you to come look at our Domestic Violence Court,
25 if you wish and have time, so that you can see for yourself
26 exactly how we are administrating that particular program.

1 MS. SPANOS-HAWKEY: Actually, rather than my
2 attending, I think maybe you need to take some of these
3 people that have the diverse views on your department,
4 explain it, and give them the tour. And that way, here
5 would be some communication and have some questions
6 answered.

7 MR. MULLINS: My Assistant District Attorney sits
8 on the Domestic Violence Action Council and the Death Review
9 Committee, and I would welcome any of the advocacy groups to
10 come into court and watch at any time. In fact, I do see
11 them in his office frequently.

12 MR. HERNANDEZ: Commissioner Lee?

13 MS. LEE: For Mr. Mullins. When a police shooting
14 case arrives at your office, besides the police reports, how
15 are you -- or how should the office conduct the
16 investigation? Do they talk to witnesses? Who carries out
17 the investigation from your office?

18 MR. MULLINS: The investigative responsibility is
19 with the investigator who is assigned to the deputy district
20 attorney; but the deputy district attorney has the ability
21 to actually interview with the investigator witnesses at
22 that time.

23 For example, the police officer is interviewed by
24 the deputy district attorney. Or if there's physical
25 capability, you might in a situation have the investigator
26 conduct the interview with the police investigator from the

1 agency assigned. We call that the lead agency in the
2 protocol.

3 In Santa Rosa, for example, there's the interview
4 room and then there's a video camera that's in a separate
5 room so that if the prosecutor chooses, the prosecutor can
6 sit in a separate room so you don't have as many people
7 sitting at the table and pick up the phone and direct that
8 certain questions be asked rather than doing the questioning
9 himself or herself.

10 Now, admittedly, we have staffing limitations. I
11 don't have enough staff to do the entire investigation
12 alone. We depend on assistance from the lead agency. Which
13 now, under the protocol, must be a different agency than the
14 venue agency, as I understand it.

15 So, yes, we have the ability and we do interview
16 witnesses ourselves. A lot of the witnesses are interviewed
17 by the lead agency, admittedly. But we certainly have the
18 ability, if we want to, to go back and reinterview witnesses
19 if we want to.

20 MS. LEE: A final question. Does your office
21 welcome citizens to file complaints on the -- on police
22 officers. Do you make an effort to welcome people to walk
23 into your office?

24 Because there was a lot of discussion about
25 whether people feel comfortable walking into a police
26 department to file a complaint against the very same people

1 they're seeing. And they mentioned that other public
2 agencies are also available to receive those complaints. Is
3 your office one of them?

4 MR. MULLINS: If a citizen walks into my office
5 and wishes to make a complaint about a particular police
6 officer, the direction to the receptionist is to contact our
7 investigative section and have that citizen interviewed by
8 one of our investigators. Not to send the citizen in the
9 circular motion back to the Internal Affairs Division.

10 MS. LEE: And that information is made public to
11 the residents of the county?

12 MR. MULLINS: I can't say that it is. I can't say
13 that I've made an effort to broadcast that information in
14 some fashion, no.

15 But to give you a good idea, this morning I was
16 going over with one of my investigators the establishment of
17 a Web site. Yes, I've had to learn how to use the computer.
18 And so he -- they have the ability to use a Web site; and
19 I've looked at the Web site in Santa Clara and the Denver
20 District Attorney's Office, the Santa Clara District
21 Attorney's Office, and Los Angeles.

22 And what we're going to do is put the Web site
23 up. And so I will take your suggestion and put on the Web
24 site "citizen complaints."

25 MS. LEE: But also be mindful that there are a lot
26 of economically disadvantaged people who may not have

1 computers yet.

2 MR. MULLINS: Yes, yes. That's not a bad idea.

3 MR. HERNANDEZ: Other members of the panel? Yes.

4 MS. HESSE: Does your office defend any
5 lawsuits that are filed against the County alleging
6 excessive force or civil rights violations by an officer?

7 MR. MULLINS: No. We have a County Counsel in
8 Sonoma County and a Risk Manager.

9 MS. HESSE: Okay. Do you have any information on
10 how many have been filed, lawsuits, and what the costs have
11 been to the county?

12 MR. MULLINS: No, ma'am, I don't.

13 MS. HESSE: Okay.

14 MR. HERNANDEZ: Anything else? Yes.

15 MS. PATTERSON: Yes, Mr. Mullins. How many
16 assistant district attorneys do you have?

17 MR. MULLINS: Okay. I brought my cheat sheet. I
18 have 37 deputy district attorneys assigned to the Criminal
19 Division; two chief deputies, managers; one assistant
20 district attorney who is the number two person; and myself.
21 In the Family Support Division, I have six deputy district
22 attorney's and one chief deputy.

23 MS. PATTERSON: Can you tell me how many of them
24 are women?

25 MR. MULLINS: In the Criminal Division, I have 11
26 deputy district attorneys and one chief deputy. And in the

1 Family Support Division, there are four of the six.

2 MS. PATTERSON: How about minorities, disabled?

3 MR. MULLINS: I do not believe currently that we
4 have any minorities.

5 MS. PATTERSON: What is your plan to recruit
6 minorities?

7 MR. MULLINS: Well, the Personnel -- we're a Civil
8 Service county. So the Personnel Department does the
9 recruiting. I ask them to usually advertise statewide
10 because we've been very successful in getting people who --
11 one of our latest recruits was an individual from
12 San Bernardino. So we've been successful in getting people
13 from Southern California.

14 Sonoma County, to my understanding, still has an
15 Affirmative Action Program. I must confess, though, that I
16 have been assuming that that person is doing what they're
17 supposed to do.

18 I did actively recruit for a bilingual bicultural
19 investigator and interviewed two candidates and offered them
20 positions, but they both felt they could not accept.

21 Recruitment-wise, we are in the unique situation
22 of living in a lovely place but the salaries have not been
23 commensurate with the Bay Area. And we are -- when we are
24 compared to other counties for salary purposes, myself
25 included, we're compared with Solano County and Monterey
26 County. And I assure you we're not compared to Santa Clara

1 County or somewhere else. So that's a bit of a
2 disadvantage.

3 Other than that, that's all the information I can
4 provide you on that issue.

5 MR. HERNANDEZ: Thank you very much, both of you,
6 for appearing before the panel today.

7 I just want to take a quick five-minute break so
8 that we can clear the room so we can let more people in and
9 then we'll start with the next panel. Five minutes.

10 (Break taken at 2:40 p.m. until 2:50 p.m.)

11 MR. HERNANDEZ: We are back in session.

12 Just a little housekeeping here. I have a letter
13 that has been submitted to be included in the record from
14 Antonio, it looks like, P. Serna, from Rohnert Park. And it
15 will be entered into the record.

16 All right. This part of the afternoon we are
17 going to focus on the complaint review process. We have
18 with us today Donald Casimere, Investigative and Appeals
19 Officer, the City of Richmond. We have Penny Harrington,
20 who is Director of the National Center for Women in
21 Policing. We have John Parker, who is the Executive Officer
22 of the San Diego County Police Review Board.

23 I'm going to invite Mr. Casimere to be the first
24 to address the panel. And I ask you to state your name and
25 your title and position for the record.

26 MR. CASIMERE: Thank you, Dr. Hernandez, members

1 of the Civil Rights Commission and the California Advisory
2 Committee. It's a pleasure to be here.

3 My name is Don Casimere. I am from Richmond,
4 California, not far from here, from the Police Commission.
5 My current title there is the Investigative and Appeals
6 Officer. Part of my responsibility has to do with staffing
7 and providing staff support for the Richmond Police
8 Commission. And so in that particular role, I am here to
9 appear before you today.

10 Just some brief comments, Members, about my
11 background and then we'll get into what I was asked to talk
12 about. And in the letter that I got, I think the concern
13 was that I speak about general police oversight procedures,
14 and I will certainly do that. But my background is in law
15 enforcement in the City of Berkeley for about 12 years; six
16 years as a sergeant.

17 From there, I went to the Office of Citizens
18 Complaints as a senior investigator. That office was
19 created in 1984, mandated. Voters voted no confidence there
20 in the ability of the police department's ability to police
21 itself, and they replaced the Internal Affairs Component
22 with a group of citizens. I worked there for approximately
23 two years, and now work with the Richmond Police Commission
24 and have been there for about 14 years now.

25 I also have served as the president of the
26 International Association of Civilian Oversight of Law

1 Enforcement and am currently on the national and the
2 international boards.

3 I think of more importance is that here in the Bay
4 Area, we also have an organization called the Bay Area
5 Police Oversight Network which consists of about 10 or so
6 cities that have one form or another of civilian oversight.
7 And I think Novato is the closest city that has a police
8 advisory board that is affiliated with the Bay Area Police
9 Oversight Network.

10 A little bit about the Police Commission created
11 in 1984 in the City of Richmond. And I want to say this
12 about the Commission because I want to make some points to
13 this body in terms of civilian oversight and what it's
14 about. But the Police Commission was created in our city of
15 roughly 95,000 folks or so because there were problems in
16 the community. There were real problems and there were
17 perceived problems. And I think the biggest perceived
18 problem was that there was a police department that needed
19 some sort of police accountability other than internal
20 controls.

21 The Police Commission was created; there are nine
22 members of the Commission who are appointed by the mayor and
23 city council. They serve three-year terms. The Commission
24 was created after much dialogue. Let me tell you a little
25 bit about how it was created.

26 The Commission was created by city ordinance. But

1 it was created after much dialogue had taken place in the
2 community in Richmond. It was give and take. The people
3 who were brought to the table were people from the
4 community, community folk, community leaders, ministerial
5 lines, participants. Obviously, the city council, the
6 mayor, the city attorney. Also, the police executive
7 management. The police chief. The police union, the NAACP,
8 the Hispanic groups that we have in our community, and
9 Southeast Asian groups. And they all came together to talk
10 about this business of what we need to do to restore
11 confidence in the police department and to improve the
12 relationships between the police department and the various
13 segments of the community.

14 Richmond is highly diverse. If you look at our
15 community breakdown, we're talking about maybe 30 to
16 35 percent white; and then the rest are various ethnic
17 groups that break down from there.

18 So we were created because there was a perceived
19 need that the police policing themselves was not quite
20 enough. So after this debate and this dialogue took place,
21 it was determined that what would be created in the City of
22 Richmond is the Police Commission.

23 Now, there are three basic purposes that the
24 Commission was charged with carrying out, three areas of
25 responsibility; and they are important and let me just throw
26 these out because I think it's important whenever you talk

1 about civilian oversight.

2 No. 1 is the investigation of citizens'
3 complaints. There are people in every community who, when
4 they have a complaint against law enforcement, would like to
5 file that complaint. Some don't mind taking it to the
6 police department Internal Affairs. Some do. I don't know
7 how the police facility is here in Santa Rosa or in Sonoma
8 County; but in our jurisdictions in Berkeley and Oakland and
9 Richmond, when you walk into a police department to file a
10 complaint, it is a highly controlled and sometimes
11 intimidating environment. And what happens is that there
12 are some people who are intimidated by that process.

13 So to get over that, to get past that particular
14 area of concern, when the police Commission was created, it
15 was created to investigate citizens' complaints. That is,
16 to conduct independent investigations.

17 If a person has a complaint regarding the Richmond
18 Police Department and they want to talk about force or they
19 want to talk about race or any other type of complaint, they
20 can come to the Commission and file a complaint.

21 No. 2 is the area of policy review. Many times
22 when a citizen has a complaint or concern about police, it's
23 not necessarily because of a specific incident or a
24 particular contact between that citizen and the police.
25 There's a concern about policy. So the Commission is
26 entitled to review police department policy.

1 Thirdly, and I believe most importantly, the
2 Commission is charged with looking at ways of establishing
3 and putting forward recommendations to improve
4 police-community relationships.

5 And I think, basically, that's perhaps one of the
6 reasons that you are here convening this hearing today, is
7 because of the concern about police-community
8 relationships. And I think it's something we all have to be
9 concerned about.

10 But I think it's important that, prior to the time
11 that a -- we start talking about what kind of civilian
12 oversight agency and that sort of thing, there must be a
13 considerable amount of dialogue that takes place.

14 There must be a certain amount of groundwork that
15 is done to, number one, determine whether or not civilian
16 oversight is the place that you want to go in the community
17 or whether or not you want to pursue something else. And,
18 again, when this discussion, when this dialogue is taking
19 place, all involved parties should be invited to the table.

20 Here in the Bay Area, if you talk about civilian
21 oversight, we are fortunate indeed because we have a
22 veritable smorgasbord, if you will, of civilian oversight
23 agencies. My good friend John Parker is here; and he'll
24 talk later on. But he and I worked for the Office of
25 Citizens Complaints in San Francisco.

26 San Francisco has a Citizens' Police Commission

1 that sets the policy of the department. The police chief
2 works for the commission, the civilian commission. They
3 also have an Office of Citizens' Complaints that handles
4 citizens' complaints regarding police conduct. The City of
5 San Jose in the South Bay has an Independent Police
6 Auditor's Office where they can monitor Internal Affairs
7 investigations and make recommendations in terms of policy
8 and so forth.

9 The City of Novato has a Police Advisory
10 Commission that makes advisories regarding police-related
11 issues. The City of Richmond, the City of Berkeley, the
12 City of Oakland all have some sort of independent capacity
13 to conduct citizens' complaints.

14 A couple of concerns about general oversight,
15 police oversight, and some things that I'd like to relate to
16 you. No. 1: If a community gets to the point that it
17 determines that it wants to go forward with some sort of
18 civilian review mechanism, the authority of whatever
19 mechanism is to be created should be very clearly spelled
20 out. And I believe the District Attorney who spoke on the
21 panel before us made that comment.

22 This is very important. That everybody knows
23 what's to be expected from this civilian review board.
24 There is -- One of the greatest ways to lead to an agency
25 not looking as professional or as effective as it could be
26 is to have that agency that is out there with expectations

1 that are well above what that agency has the capacity to
2 carry out.

3 And so it is important that the authority of the
4 civilian oversight agency be clear and well defined.

5 No. 2: If a community wants to go to consider
6 civilian oversight, it is important that the staffing and
7 the budgetary provisions be in accordance or appropriate for
8 that agency to carry out its mandate.

9 I have been fortunate in the past several years to
10 have met with and talked with civilian oversight
11 practitioners, law enforcement executives from throughout
12 the United States and many other countries as well. And one
13 of the things that I come away from those contacts with, if
14 you will, is a list of desired characteristics that I think
15 are important when we talk about civilian oversight and what
16 is necessary.

17 We want to have a civilian oversight agency.
18 What type of characteristics need to be there in order for
19 it to be effective?

20 Number one would be in the area of independence,
21 whether it's an auditor form of civilian oversight, whether
22 it is in the form of a police commission or a police review
23 board. There needs to be a certain amount of independence
24 there for that particular agency or group.

25 Budgetary independence. I think one of the
26 biggest mistakes that I have seen made in this country is

1 when a civilian oversight agency's budget has been tied
2 directly to the police department and under the control of
3 the police chief.

4 Another area that has to do with in terms of
5 independence is that of reporting authority. Who does the
6 civilian oversight agency report to? Or if there's hired
7 staff, who does that staff report to?

8 I'm not here to say that the City of Richmond has
9 the best civilian oversight agency in the world because
10 nobody can make that claim. But one of the things that they
11 did right when they created that agency is that they put
12 principal staff person for the commission directly
13 underneath and reportable to the mayor and the city
14 council. Not the police chief, not the city manager, who is
15 the police chief's boss, but the mayor and the city council
16 who set the policy and the direction for the city.

17 Office space. When we first started out in
18 civilian oversight in the City and County of San Francisco,
19 I can recall walking in the door and -- with other civilian
20 investigators and being -- we were to be trained by the
21 outgoing component of civilian -- or, I'm sorry, of Internal
22 Affairs investigators. They were going to train us. And
23 they pretty much said, "Here are the files," and there was
24 some light training and we began working in an office on the
25 fifth floor of the police department.

26 And I think that the commission realized that

1 there was a concern in that area and granted office space
2 away from the police department for the Office of Citizens'
3 Complaints.

4 And I say that as an example because I think it is
5 important that if you talk about creating an atmosphere
6 where citizens can come in and independently file complaints
7 and have it investigated away from the police department,
8 then the office space is critical as well.

9 I think it is important for the civilian oversight
10 agency to be in a position to conduct independent
11 investigations. That is to say, many times, like in our
12 agency, a citizen may have a complaint, has to come forward,
13 sign a complaint form and that sort of thing, and that is
14 fine. But I do think that it is important that the civilian
15 oversight agency be able to initiate investigations into
16 certain areas of policemen's conduct.

17 If something happens in the media and it's a
18 principal concern, the agency should not have to sit and
19 wait for somebody to come forward to file a complaint and
20 perhaps be in a position to conduct and to initiate its own
21 investigations.

22 The power to compel police officer testimony. How
23 can one or how can an agency conduct an independent,
24 objective, fair and thorough investigation if there is no
25 participation from the police department or the sheriff's
26 office?

1 I can recall when we started out in the business
2 of civilian oversight in the City of Richmond, there was
3 nothing in that city ordinance that said anything about
4 police officers being compelled to testify. And when I
5 raised the issue, being the first staff person, and I raised
6 the issue with the city attorney and the city manager at
7 that point, the response was very simple. "The police chief
8 will order all officers in his department or her department
9 to participate in your investigations."

10 And so although our commission has subpoena power
11 and the authority to issue subpoenas, we have never had to
12 issue a subpoena because we have 100 percent cooperation
13 from witness police officers, from subject or accused police
14 officers. They are compelled to participate in the
15 process. And it is critical. It is critical that they be
16 part of the process.

17 The authority to review police department policy,
18 I think, is very important. Many times when you talk about
19 civilian review, you talk about responding to citizens'
20 complaints of police misconduct. But I think you can really
21 have an impact on the actions and on the -- how a police
22 department or sheriff's department has its officers do the
23 business of policing if you could impact these department or
24 sheriff's department policies. So I think it is important
25 that civilian review agencies have that type of authority.

26 And there needs to be some sort of an appeals

1 process. If there is a recommendation that comes forward
2 from this particular agency and it comes to the police chief
3 and the chief rejects it, whether it be for discipline or
4 whether it be for policy, there needs to be some process
5 whereby another authority can review that recommendation and
6 go forward.

7 People have asked me in the past what type of a
8 police commission is the strongest? And some people would
9 say we'd like a commission that can mandate policy change or
10 we'd like a commission that can direct the police chief to
11 do this or that. It's my opinion, and it's just based on my
12 experience and perhaps my makeup, that a police department
13 should not be an agency that is governed by -- or I should
14 say run by a committee.

15 I think you need to have a strong executive police
16 manager who is sensitive to the community, who is not
17 intimidated by citizens who want to have some impact on
18 police department policy, who is not afraid to change and
19 make modifications and to hear what the people want, and to
20 create the kind of police agency that the community can be
21 proud of.

22 In closing, let me say this: I believe that
23 citizens can objectively and fairly impact police services.
24 One of the biggest things that I hear in terms of why we
25 shouldn't have police oversight is that, "Well, they don't
26 know what we do and we're the professionals." As I said

1 before, my background is in law enforcement, and I fully
2 believe that if you select the right people to staff your
3 review agency, if you will, or oversight agency, and you
4 select the right staff to do the work and to gather the
5 information, and it's done fairly and objectively, you can
6 have an impact.

7 The bottom line is this: Police-community
8 relationships, whether it's with the sheriff's department in
9 Sonoma County, whether it's with the police department in
10 Santa Rosa, has to have positive and ongoing and improving,
11 ever-improving relationships with the citizens that are
12 served by the police department.

13 There has to be accountability mechanisms that are
14 set up, that people have confidence in, that people are
15 aware of, that people are comfortable with. So that if
16 there is a concern, whether it's a complaint about a
17 particular act of misconduct, a question about a police
18 department policy or procedure, or just a general inquiry
19 about we -- you know, a question about our police
20 department, there needs to be some place where people can
21 go, not feel intimidated and get a fair shot at getting the
22 answers that they deserve. It may not be what that want to
23 hear, but they certainly deserve to get the appropriate
24 answers.

25 Lastly, just some keys to success. Some keys to
26 success. When you get the right people in terms of civilian

1 oversight -- let me back up. When there's consensus to have
2 some sort of civilian oversight agency, when it's been
3 determined what type of an agency you have or will have,
4 when you determine who your staff will be, who your
5 commissioners will be, training is important.

6 I believe that citizens, your average citizen --
7 and we're based here, I think the DA would agree with me, on
8 a reasonable person concept. That's what our criminal
9 justice system is based on. And I would like to look at
10 civil oversight as based on the same concept.

11 If you take a reasonable individual from the
12 community, not brought in for some political reason or with
13 some political bent or concern, and you take that person and
14 you provide that person with training -- and I think one of
15 the previous panelists, a gentleman who deals with training
16 of law enforcement officers talked about a citizens'
17 academy.

18 There are different ways that you can train
19 citizens so that they can get a pretty good grasp of the
20 police culture, the police environment in that community,
21 the police department in particular, the sheriff's office,
22 can understand policies, procedures well enough to make an
23 informed judgment on an issue of whether or not too much
24 force was used. Or on an issue of whether or not a policy
25 is appropriate enough or inappropriate and there's a need
26 for revision of policy or change. So training is important

1 there.

2 And it's also important that -- We're not talking
3 about just a one-time deal in terms of training the folks
4 who will monitor police. We're talking about something that
5 is ongoing. Involvement in a police ride-along program.
6 Involvement in walk-throughs of County facilities.
7 Understanding what is going on in the DA's Office. What the
8 procedures are. Understanding all of that and then being in
9 a position to impact police services or sheriff's services
10 in a particular community.

11 Lastly, I'll close by saying this: Many times we
12 talk and we hear about a "them versus us" mentality. When I
13 switched from law enforcement as a sworn officer to civilian
14 oversight, I had police officers come up to me and say, "Why
15 did you change sides? What are you doing over there?" And
16 my response was, "We're not talking about sides here.
17 Okay? We're talking about taking the them and the us,
18 bringing them together, and making it a we. A community.
19 People who are proud of their police services. People who
20 have confidence in their law enforcement agencies. People
21 who aren't afraid to call the police."

22 When I first started working in the City of
23 Richmond, I polled the community and I got two basic
24 responses. One was: "We're very proud of our police,
25 they're doing a heck of a job. Give them more money. Give
26 them what they need." The other side was: "We don't call

1 the police because when we call the police, we wind up going
2 to jail for something else." So it's not them and us, it's
3 we.

4 Citizen oversight, some people say there's a
5 dollar sign attached to it. It depends on how valuable the
6 community wants to make the services. I personally think
7 I'd rather invest, as a citizen, money in a mechanism that's
8 a good government kind of mechanism and ensures balances,
9 checks and balances, than to pay money out on the other side
10 on lawsuits and also deal with concerns about mistrust that
11 might exist in the community or lack of confidence.

12 So therefore, I think we should hopefully kind of
13 frame this whole debate as a good government type of
14 concern. It's good business.

15 And I thank you very much for your time. And at
16 the conclusion of the presentations by my other
17 distinguished panelists, I'd be happy to answer any
18 questions that you might have. Thank you.

19 MR. HERNANDEZ: Thank you very much. That was
20 very, very informative.

21 Penny Harrington, Director of the National Center
22 for Women in Policing. Would you please state your name for
23 the record and your title.

24 MS. HARRINGTON: Thank you, Dr. Hernandez. My
25 name is Penny Harrington. I'm the Director of the National
26 Center for Women in Policing, which is a division of the

1 Feminist Majority Foundation.

2 I'm also the former Chief of Police of Portland,
3 Oregon. I was the first woman chief of police in the
4 United States of a major city. I served 23 years in
5 Portland as a police officer. And after I left Portland, I
6 worked for the California State Bar for seven years in the
7 Attorney Ethics Division as the Assistant Director of
8 Investigations in an oversight capacity on the legal
9 profession.

10 And now I run the National Center for Women in
11 Policing, which has as its goal to educate the public about
12 the benefits of women in policing, to increase the numbers
13 of women in policing at all levels, and to hopefully provide
14 assistance to police agencies on better ways to respond to
15 crimes of violence in the community.

16 So I was asked to speak not only about citizens'
17 oversight but to talk to you on a couple of these other
18 areas that I have some expertise in.

19 What it appears to me from what I've seen reading
20 the newspapers and some articles and listening today to most
21 of the testimony is that we have a real lack of
22 communication and trust between the police and some segments
23 of the community. Not all of the community, not all the
24 police. But it's also not unusual.

25 And I think what we're seeing is a community that
26 is going through tremendous growing pains, changing, and

1 trying to decide how to deal with the changing culture.

2 One of the things that I think is very important
3 for any police agency today is to look at utilizing more
4 women in policing. I have testified before the U.S. Civil
5 Rights Commission on two other occasions and presented
6 testimony and evidence on research that shows that women do
7 a very good job of policing.

8 They have a tendency to de-escalate violence; they
9 have very good communication skills. And they tend to take
10 crimes against women, such as domestic violence and sexual
11 assault, much more seriously to see them through to get a
12 better result for what happens.

13 The status nationally of women in policing is that
14 police departments, municipal police agencies, the average
15 is about 10 percent women nationwide. On sheriffs' offices,
16 the average is about 14 percent nationwide. On state police
17 agencies, it's only about 5 percent. And the numbers are
18 not growing very quickly.

19 The only place that we see large numbers of women
20 in policing are cities like Detroit, Chicago, New York.
21 Cities that have been under consent decrees. So most major
22 cities in the United States, Los Angeles and some of those,
23 are up around 16 or 18 percent. Cities like Detroit,
24 Washington, D.C., Pittsburgh, that have been under consent
25 decrees are at 30 percent. And you know what? They're
26 still providing good police service. They haven't fallen

1 apart from having a larger percentage of women.

2 Relationships with the community are great.

3 All of the studies that have been done on women in
4 policing show that women do the job just as well as men,
5 they make as many arrests, they're just as effective. They
6 just do policing in a different style. And sometimes that
7 style is not seen by some of the men in policing as real
8 police work.

9 It's not seen as a value to be able to go into a
10 very tense situation and get it all calmed down. Where
11 nobody gets hit, nobody gets shot, nobody maybe even goes to
12 jail. That is seen as soft, not real police work. But in
13 my opinion, that's what police work is all about, is trying
14 to the solve problems, de-escalate violence and hopefully
15 resolve things so that you don't have to keep going back to
16 the same place over and over and over again.

17 I think that more women bring a balance to
18 policing, and I think that that's one of the things that is
19 needed in these communities here.

20 I heard some people earlier talking about
21 recruiting and saying, "Well, gee; we've sent out fliers to
22 all of these places and we hold job fairs for teens."
23 That's not good enough. Sending out fliers to an
24 organization is not going to get you very much in the way of
25 recruiting. Some of those organizations will put it in
26 their newsletter and you might get some help.

1 But if you're really serious about increasing the
2 numbers of women and minorities in communities, you have to
3 go out and work in the communities, find those women and
4 minorities, explain to them why you want them to join you.
5 You have to do a sales job on that. You can't just send out
6 a bunch of fliers and think that people are going to beat
7 down your door. Especially if you have a reputation for
8 being brutal, for being hostile to women, for being not a
9 welcome place for minorities to come. So you have to really
10 put some effort and some money into recruiting.

11 Job fairs for teens are great, but what are you
12 going to with them between the time they're 18 and they're
13 21? You have to have a program that you can either hire
14 them or keep them involved with your agency so that when
15 they're old enough to be hired as police officers, they'll
16 come on. It doesn't do a lot of good to go out to a high
17 school, get a bunch kids all excited about policing and walk
18 away and not talk to them for three years. You're not going
19 to have them.

20 Sexual harassment policy I heard about earlier and
21 I read it. My personal opinion, the policy is illegal. The
22 reason I believe that that's true is that it mandates that
23 the woman must report to the agency if she's being sexually
24 harassed. Way at the very end of the policy, in the last
25 paragraph or something, it says of course the woman -- the
26 person being harassed can go to the Department of Fair

1 Employment and Housing or EEOC and they don't have to report
2 it to the police department. But the first page and the
3 first page and a half are all about how you must report.

4 What I have seen happen in other agencies -- and
5 I'm not saying it's happening in this one because I don't
6 know. But what I have seen happen in other agencies with a
7 policy that reads that way is that if a woman doesn't report
8 and then later on something happens and someone finds out or
9 she makes some outside complaint to EEOC, she's then brought
10 up on charges for failing to obey the policy.

11 And that has been used in police departments
12 across these United States, I get calls every day in my
13 office about women who are facing charges because they
14 didn't report sexual harassment under a similar policy. The
15 truth is a woman doesn't have to report it to her agency if
16 she doesn't want to. She can go straight outside. And I
17 know all of you know that, but I'm saying that for the other
18 people in the room.

19 On domestic violence. Domestic violence is a
20 problem in this nation -- in the world, as a matter of
21 fact -- that all of us are struggling with. It used to be
22 that we didn't even look at it as a crime. It was
23 considered to be a family problem and it's been only been
24 recently with the passage of the Violence Against Women Act
25 and some of the other things that have happened on a
26 national level that have forced states and local agencies to

1 take domestic violence seriously and treat it as a crime.

2 Some agencies -- In fact, in San Diego,
3 Sgt. Ann O'Dell is known as the woman in the United States
4 who developed the best investigative system for domestic
5 violence and it's taught in police agencies across the
6 nation. Where you investigate it as a crime and as if the
7 woman weren't going to testify in court. Because frequently
8 she won't or can't. But you can go ahead without her
9 testimony anyway.

10 Police departments across the nation are going to
11 that kind of training. I don't know if these police
12 departments are using those resources that are available or
13 not. But if they're not, they should look at that.

14 The real problem in domestic violence today is
15 that police officers themselves participate in domestic
16 violence at an extremely high rate. There have been three
17 national studies done that show that the level of domestic
18 violence in police families is 40 percent. 40 percent.

19 If that's true, and as I say it's three separate
20 studies that have showed that -- and these were all, by the
21 way, self-reporting studies, where the police officers
22 themselves reported on whether or not they had used violence
23 in their family in the last six to twelve months.
24 40 percent reported that they had.

25 If that's true, what are the chances of a woman in
26 this community who calls the police for domestic violence

1 getting a batterer answering her call? Pretty high. And
2 yet, we hear earlier testimony that says there was one, I
3 think, police officer that was fired because he was
4 convicted of domestic violence.

5 That's not unusual around the country because
6 police officers don't get convicted of domestic violence
7 because they don't get arrested for domestic violence
8 because their buddies cover up for them.

9 And so you have to have policies in the department
10 that say, "If you get a call on domestic violence at a
11 police officer's house you, will report it. You will call a
12 commander or a supervisor to the scene. It will be
13 documented and set forward just as any other domestic
14 violence call is handled." And that officers that are --
15 where you receive complaints on domestic violence will be
16 treated as any other person in the community. These
17 complaints don't go to Internal Affairs and get buried
18 there.

19 Los Angeles did a big audit earlier -- last year
20 on 270-some cases of police domestic violence and found that
21 hardly any of them were referred to the District Attorney's
22 Office for prosecution. I read the synopsis. They had each
23 case -- a synopsis of each case. Some of those the woman
24 had been raped, brutally beaten, a pregnant woman thrown
25 down on a table and beaten severely. And that was not
26 handled as a crime, it was handled by Internal Affairs. In

1 fact, it had found that 29 percent of the men on the
2 department who committed domestic violence were promoted
3 after they committed domestic violence.

4 It's a serious problem in police agencies and it
5 plays out on the way we deal with domestic violence in the
6 larger community, on the attitude that police officers have
7 towards domestic violence.

8 On excessive force. The main thing that police
9 officers need to be taught on excessive force besides how to
10 defend themselves -- because none of us want our police
11 officers getting injured. Our police officers are important
12 to us to keep order in our communities, to protect us from
13 people who want to do us harm. We spend a lot of money
14 getting them trained and putting them out on the street.
15 They're individuals, they're human beings and we care with
16 them.

17 Besides teaching them how to use different weapons
18 of force, we must teach them how to de-escalate violence,
19 how to mediate some of these situations. Because they may
20 have a legal right to kill and take a life, but is it always
21 necessary is the real question.

22 The District Attorney says he hasn't taken any
23 action on police officers, brought any charges against
24 police officers. Probably because they were within their
25 legal right to take a life. But the real question that this
26 community has to look at was: Were they morally right in

1 what they did? Considering the circumstances, were there
2 other things they could have done first, things they could
3 have attempted before they had to get that far?

4 On citizens' review. What are we afraid of? What
5 is it that we're trying to hide that we want to stonewall
6 the citizenry and not let them look at our reports, look at
7 what we do? Why should we be afraid? If we're doing the
8 right things, the community will support us.

9 I heard earlier someone talk about one advisory
10 board that the sheriffs and the Chiefs' Association wanted
11 to set up where every community would have members that
12 would come forward and be on it. I hope that that's not
13 followed through on because that's going to just separate
14 and just fractionalize everything.

15 Each community needs its own citizen group to look
16 at what the police are doing. And if you're part of a big
17 countywide that's dealing with a whole bunch of agencies,
18 I'm afraid individual issues in individual communities will
19 get diluted by that.

20 The Grand Jury. The reason it doesn't work as a
21 citizens' oversight group is that it's secret. The citizens
22 can't go in and hear what's going on. Frequently, you just
23 get the results and you don't get the reasoning and it just
24 fosters more problems.

25 And so somehow we have to have a way where there's
26 an outside review of death or serious injury that the police

1 have caused or have participated in. We need a review -- an
2 outside place, a review of police family violence. Because
3 where does a family of a police officer go to report that
4 that police officer is brutal? Where do they go? To
5 Internal Affairs where nothing happens? Do they go to the
6 District Attorney who probably is a friend of the police
7 officer involved? It's a huge problem.

8 We also need someplace for women who -- and
9 anybody who feels that they're being discriminated against
10 or harassed where they can report rather than to the very
11 organization that is being involved in the discrimination r
12 harassment.

13 So there are all kinds of roles that a citizen
14 oversight group can play. And on citizen panels we have to
15 make certain, also, how are they appointed? Do the police
16 appoint them? That's one of the things that they tried in
17 Los Angeles and caused a huge uproar because the police were
18 appointing people that they felt were their friends and that
19 would say what they wanted them to say instead of appointing
20 some of the real critics of the police departments so that
21 they could get all of those issues out on the table.

22 So how are they appointed and how representative
23 are they is very important.

24 And these panels should be able to ensure that
25 complete investigations are being done on whatever the issue
26 is, that it also -- They also should have some review over

1 what the District Attorney is doing. Because it's much,
2 much too easy for the police to say, "Oh, gosh; we want to
3 do that but the DA wouldn't prosecute." So you have to look
4 at tying that arm of the law enforcement system into it.

5 And there also has to be, as a part of all of
6 this, to make sure that there are adequate services provided
7 to the police and to the citizens whenever you have death or
8 serious injuries involved. I believe there should be a
9 mandatory policy that if an officer is involved in a deadly
10 force situation, they are immediately put on administrative
11 leave, sent to counseling, because frequently they don't
12 want to seek them out themselves. It's not the macho thing
13 to do. There's a peer pressure within the department that
14 if you go for counseling, you're seen as weak. And so I
15 think it's up to the agency to mandate that they go for
16 counseling.

17 And I also think it's up to the police department
18 and the community to look at the services to families of
19 people who are killed by the police. Not only by the police
20 but in any kind of situation. Portland has put in a
21 wonderful response team for gang violence where if a child
22 is killed in a gang drive-by shooting or something like
23 that, they have a response team of volunteers, ministers,
24 police, members of the community that respond to the scene
25 that help make funeral arrangements, that go to the school,
26 deal with the children who are involved in knowing that

1 child. And it's a communitywide response to these types of
2 serious incidents.

3 And last of all. We just have to have public
4 accountability. You cannot have police agencies today that
5 don't have public accountability and oversight. And we have
6 to always keep in mind this is who we serve. We're not here
7 to serve the police, we're here to serve the community.

8 Thank you.

9 MR. HERNANDEZ: Thank you very much.

10 Mr. Parker.

11 MR. PARKER: Thank you.

12 MR. HERNANDEZ: Please state your name and
13 affiliation for the record.

14 MR. PARKER: My name is John Parker. I am the
15 Executive Officer of the of the San Diego County Citizens
16 Law Enforcement Review Board.

17 The Review Board in San Diego County monitors
18 citizen complaints against the Sheriff's Department and the
19 Probation Department as well as Sheriff's Corrections.
20 There's six corrections facilities that are run by the
21 County Sheriff as well in San Diego County.

22 I'll talk -- Frankly, Don really covered the full
23 realm of civilian review, and what I'm going to do is I'm
24 going to kind of fill in between the pages here. Let me
25 talk a little bit about my board model because it has been
26 billed as one of the, quote, Cadillacs of the civilian

1 review field.

2 Our board is comprised of 11 members who are
3 appointed by supervisory districts. In other words, there
4 are five members of the board of supervisors for the County
5 of San Diego. Each member has two appointments to the board
6 and then one of the five members has a third person on the
7 board by virtue of the 11 members on this board.

8 We have independent investigative power, civilian
9 staffed. I am the top civilian employee of the board. I
10 have now an authorized strength of two investigators and a
11 secretary for the role of receiving and investigating
12 complaints. We have charter-mandated cooperation of all
13 County employees, we have independent -- I'm sorry. We have
14 subpoena power, which has been validated by the Supreme
15 Court of the state.

16 It was challenged -- in fact, the entire prospect
17 of civilian review was challenged in court in San Diego step
18 by step. And the last piece of it was the California
19 Supreme Court affirming our subpoena power for members of
20 the Sheriff's Department.

21 Unfortunately, we don't have a sheriff who has
22 seen fit to compel his deputies to cooperate with our
23 process even though the charter does that. So the use of
24 subpoena has been tried in the past and challenged and we're
25 still in the place where we're trying to find a way of
26 operating without having to resort to subpoenas. And that's

1 mainly what I've been doing down there.

2 We have open hearings. That's essential.
3 Citizens have a right to know what is going on within their
4 police department. It's essential that the hearings be
5 open. We make public reports of our investigations and the
6 results of those investigations.

7 We have authority to recommend policy changes or
8 to recommend new policies when there is a lack of policy.
9 We have a mandate to review all death cases at the hands of
10 County law enforcement and the Sheriff's Department and the
11 Probation Department.

12 Civilian review has, at least in my mind, has some
13 goals. Professional, humane policing, fully accountable to
14 the public. Civilian review is not a place for people that
15 are anti-police. It's also not a place for police
16 apologists. In my view, civilian review is a necessary
17 check and balance for the power, the great deal of power
18 that we hand law enforcement. The power to take away a
19 person's life, to take away their freedom.

20 Now, within all this, I think we also have to be
21 respectful. We want a mandate of cooperation with these
22 kinds of words, but we also have to be respectful of the
23 mandated rights of police officers in performing these
24 functions, and we don't forget that.

25 The benefits of civilian review. Effective
26 civilian review partnered with response from police

1 management can benefit officers at all levels to enhance
2 training. We can recommend things that -- when we find a
3 deficiency in training or equipment, civilian review can
4 bring those things to the public.

5 When a law enforcement agency is struggling, how
6 do we give weapons to our officers that are non-lethal that
7 they're not afraid to use, that would preclude the
8 unnecessary deaths of our citizens. And I think that
9 civilian review can help bring those things to them. I
10 think it's a partnership in that respect.

11 In my mind -- and I think Don touched on it -- the
12 big dollar sign. Significant risk exposure reduction is a
13 result of effective civilian review. And I think that
14 Los Angeles County, through Merrick Bob down there has
15 proven that there is a significant reduction in risk
16 liability exposure when you follow officers and you deal
17 effectively through civilian review and resulting issues of
18 policy recommendations and follow through.

19 That's about all I have.

20 MR. HERNANDEZ: Okay. I'd like to open it to the
21 panel. Who would like to go first?

22 Ms. Fua.

23 MS. FUA: Q Let me first say that your remarks
24 were entirely informative, and I had wished that more of the
25 press were here as well as the chiefs to hear what you had
26 to say because I would love to hear what their comments were

1 and their response to you.

2 And one thing that really informed your comments
3 is that you have both been in the law enforcement field and
4 now are reviewing it, and I totally understand that
5 it's coming -- that you guys are kind of like the
6 culmination of we. Instead of they and us, it's we. You
7 guys represent the we in the best sense of the theme.

8 But I guess my big question for all of you is:
9 Have there been studies conducted showing the effect of
10 civilian review boards on police forces, you know, both
11 before and then after? You know, whether it has shown that
12 it's really been effective.

13 The other thing is, you know, what would you say
14 to these chiefs of police and other chiefs of police who are
15 reluctant to have civilian review forces?

16 When you were chief of police of Oregon, did you
17 feel like you would want, you know, somebody overlooking
18 you? And how do we convince people that this is the right
19 course? Because it sounds like it is because it's not an
20 "us-them" thing; it's a partnership which seems to be
21 effective.

22 MS. HARRINGTON: When I was Chief of Police in
23 Portland, we had a citizens' review board. It was called
24 the Police Internal Affairs Audit Committee. They had the
25 authority to review any Internal Affairs investigation,
26 police shootings -- I don't remember the entire mandate.

1 And they could send -- if they felt an investigation was
2 incomplete, they could send it back for further
3 investigation and outline what they felt needed to be done.
4 They could make recommendations on policy changes.

5 And they reported to the city council. Each city
6 council person appointed a member of the citizens Internal
7 Affairs Audit Committee. And so they would make
8 recommendations as they came up with them to the city
9 council, but they would also make an annual report to the
10 city council and on how many cases they reviewed and overall
11 what they found.

12 When I took over as Chief of Police there had been
13 a tremendously polarized relationship between the Citizen
14 Audit Panel and the police department. The police
15 department was refusing to cooperate, they were threatening
16 to subpoena. They were in court against each other -- which
17 is the craziest thing I ever saw.

18 And so when I took over, I just ordered that the
19 department would cooperate with them totally. That if they
20 wanted reports, they would get reports. Whatever they --
21 that the officers would go testify, I mandated that the
22 officers go testify. And we managed to get a very smooth
23 working relationship.

24 The other thing that I also did is that we had --
25 unfortunately, as soon as I took over as chief, we had the
26 death of a citizen at the hands of the police through the

1 use of a carotid hold. I immediately suspended that, and
2 then I set up a citizens' committee to look at the use of
3 force and what should be allowed. What should the police be
4 allowed to do? What types of weapons should they be allowed
5 to use?

6 I found that when I would bring the citizens in
7 and make sure that I had a diverse panel of people whose
8 interests were really -- maybe their voices weren't heard
9 because they were such a small segment of the community.
10 But when you get them all together -- and I put police on
11 these panels, and I put DAs on these panels, and I put
12 coroners on these panels.

13 They would recommend far more things that the
14 police should be allowed to do than I ever would have
15 approved as a chief. Because they would get in, they would
16 look at the issue, they would understand the problem, they
17 would make reasonable recommendations.

18 And so I'm a big proponent as a chief of police of
19 getting the community involved because I see it as nothing
20 but positive. As far as studies, I know that he referred to
21 one that Merrick Bob did. And it's an excellent study.

22 There are actually two that Merrick Bob did. One
23 in the Kultz (phonetic) Commission which was set up to
24 review the Los Angeles County Sheriff's Office and their use
25 of force. And it was a pretty wide-ranging study. And
26 Merrick Bob is the person who goes in and reports on that

1 quarterly, I believe. Or it might be semiannually.

2 And there is no doubt that because of the changes
3 that have been made as a result of the Kultz Commission,
4 which was the citizens' commission that was set up to look,
5 that the costs of excessive force lawsuits have just gone
6 through the basement in LA County, that their procedures
7 have been entirely changed for the better. And I know that
8 you could take a look at that and see that that was a pretty
9 dramatic change.

10 MR. CASIMERE: May I respond, too?

11 MR. HERNANDEZ: Yes, please.

12 MR. CASIMERE: Thank you. In response to that --
13 it's a two-part question. The measures of effectiveness,
14 which are clearly very important, people want to know what
15 they're getting for their buck in their communities. And
16 more importantly than that, we need to know how the civilian
17 oversight impacts policing.

18 I think John mentioned the business of public
19 reports. It is important that there be periodic public
20 reports to the city council to the Board of Supervisors and
21 to the community at large, to the constituents. Those who
22 receive police services.

23 In those public reports, there are certain things
24 that you can measure. Citizens' complaints filed,
25 dispositions of those complaints, numbers of police policies
26 reviewed, policy recommendations made, implemented. We even

1 wanted to take it a step further, as we're preparing our
2 annual report, we wanted to track complaints and we wanted
3 to take a complaint and say: Yes, it was filed. In this
4 case, it was substantiated. Yes, a recommendation was made
5 to the police chief. Here's what the police chief did with
6 it. And then it goes to the city manager. What did the
7 city manager do with it? If it's a policy concern, it goes
8 to the city council and here's what they did with it. And
9 there you can track what happened with a particular
10 complaint.

11 It is important, too, I think, to document not
12 only disciplinary recommendations or policy recommendations
13 but the number of times you conduct investigations and it
14 results in an officer or officers being trained or counseled
15 or called in and dealt with in that regard. I think that
16 those are important.

17 The number of claims filed. The number of claims
18 paid out. How much is paid out? I think if you track those
19 types of issues, you will see that in most communities,
20 there is a definite impact.

21 And then how you measure the community and its
22 respect or confidence in the police department. We measure
23 it because the big concern is community policing. Our
24 community policing program is a success. It's a success
25 because the city council is pleased with it, the community
26 is pleased with it, the police department is pleased with

1 it. Everybody likes it.

2 So how do you measure if you impact a strategy or
3 put a strategy into place that brings the police department
4 and the various communities closer together? It is a way
5 that you can kind of look and see whether or not there is
6 effectiveness.

7 The second part of that question, if I can just
8 briefly address that talks about what do you say to police
9 chiefs? And I have addressed public forums across the
10 country; and many times you'll have police chiefs that have
11 this or that concern. Chief Harrington made the comment
12 that alluded to it. You tell them, "Don't be afraid of this
13 thing. If it looks like there's going to be debate in your
14 community about civilian oversight or accountability
15 mechanisms, don't line up the troops and prepare to ward off
16 any kind of an attack. Don't look it at as an attack. Look
17 at it as an opportunity to improve police services in the
18 community."

19 And one of the things that I do is when I can, I
20 like to take my police chief along or at least have him make
21 some comment about how it is to work in a cooperative, true
22 partnership fashion with the community groups. And I think
23 that if we do that, we can arrive where we want to.

24 MR. HERNANDEZ: Yes. Commissioner Lee.

25 MS. LEE: Chief Harrington, I was struck by your
26 comment of a legally justified but morally wrong use of

1 excessive force.

2 In earlier panels, the police chief has mentioned
3 it was up to the officers to determine the level of force he
4 or she could use. And you also mentioned female officers
5 tend to have a better ability to de-escalate dangerous
6 situations.

7 Since it's going to take them awhile to get more
8 female officers in the force and we're still dealing with
9 80-plus percent of male officers in this force, do you think
10 it's possible to train current officers to be a little
11 bit -- to be a lot more sensitive in dealing with these
12 situations in terms of use of force?

13 MS. HARRINGTON: Yes, I do. And if the chief or
14 sheriff or whoever is doing it is sincere and absolutely
15 committed to doing this, then it will. If it's lip service,
16 it's not going to work. They'll go sit through the
17 training, they'll complain about the training, they'll leave
18 and keep doing what they've been doing.

19 But, frequently, if you can train your officers --
20 I heard somebody here today on the panel, I don't know who
21 it was, say something about we have a continuum of use of
22 force and most police agencies have this in their manuals.
23 And it starts out with verbal force and then it escalates
24 all the way up to firearms.

25 And I heard them say the first thing you do is say
26 in a very loud voice, you know, "Stop what you're doing."

1 Sometimes you can speak in a very soft voice and calm
2 everything down and then you can -- and that doesn't mean
3 you lose control.

4 And it's just a matter of training to teach them
5 how to use these various techniques. Businesses across the
6 nation pay big money to send their people to classes on
7 mediation because they know that if they can do that not
8 only for labor negotiations but for negotiating business
9 deals and all that, it's the same thing in policing.

10 You get out to the scene, you have two or three
11 people screaming, carrying on and all that. The first thing
12 you want to do is try to calm everybody down and find out
13 what's going on before you do anything.

14 Yes, I definitely think that can be taught.
15 There's always going to be those situations where a police
16 officer responds, you get there, somebody pulls a gun and
17 it's over. That's going to happen.

18 But I think in a lot of instances -- I tried to
19 read all of the press reports on the shootings up in this
20 area. And who knows how accurate any of it is. It's hard
21 to say. You can read what one side says and what the other
22 side says. But I think that there were some opportunities
23 there in some of those situations where some things could
24 have been tried to de-escalate the situation instead of
25 immediately resorting to deadly force.

26 MR. HERNANDEZ: Ms. Buitrago and then Mr. Carney.

1 MS. BUITRAGO: Kind of related to the question
2 that Commissioner Lee just asked is whether a mental
3 response team might also be helpful? Because that's what
4 San Francisco actually does in some instances with certain
5 kinds of calls. You can read into that call what may be
6 happening and maybe with that kind of call, you can send in
7 a mental health response team to accompany the police.

8 Obviously, there may also be circumstances where
9 that's not possible, but I'm wondering whether could be an
10 alternative that might work.

11 MS. HARRINGTON: Yes, I am absolutely a supporter
12 of that. I started that in Portland when I was there. We
13 had a situation where we had a person who was mentally
14 unstable and it wound up that the police killed him and it
15 was justified. Was it necessary? Probably not.

16 And so as a result of that, we got a panel of
17 mental health practitioners together and did a lot of
18 brainstorming over what could the police do to better handle
19 these kinds of situations? And we came up with a mental
20 health response team.

21 Again, they were all volunteers but there were a
22 enough of them around so that there was always somebody
23 there. So that if a call came out and it sounded like one
24 of those kinds of calls where you could use them. They
25 would respond to the scene, also. They would stay back
26 until the police were sure it was safe for them to be there,

1 there wasn't going to be shooting. But then they would
2 immediately step in and help take over.

3 Another thing that we found quite successful was
4 what we called a Volunteer Chaplains Corps we're we had
5 religious figures from all different religions across the
6 city who would respond with the police officer on domestic
7 violence calls.

8 And when the police officers would leave, the
9 chaplains would stay and see if they could do something to
10 help. You could get, you know, counseling if that's what
11 was needed. Get the woman to a shelter. Whatever had to
12 happen. That was a tremendously successful program, also.

13 So, yes, I do believe that there is a place. And
14 even in a small community, even if you don't have the budget
15 for you it, I think you probably have enough volunteer
16 resources to provide those kinds of services.

17 MR. HERNANDEZ: Mr. Carney.

18 MR. CARNEY: Thank you.

19 Well, I join my colleague in indicating to you
20 that I find your remarks incredibly refreshing and your
21 suggestions to be equally refreshing.

22 As I was listening to all of you speak regarding
23 your particular positions, current positions, I was thinking
24 back to when I was a little kid back in a small New England
25 town where we had the typical Irish cop with the big brass
26 buttons on his blue jacket and -- Mike Murphy was his

1 name -- and everybody knew him. He was a friend. And I'm
2 sitting here saying to myself, as Mr. Casimere said, it's
3 the "we" -- it should be the "we," not "them and us."

4 Where have we departed from the police officer
5 being a member of the community and being our friend and not
6 the enemy? And I think the communication, as in any kind of
7 a relationship, communication is an absent element here.

8 And we can have community forums -- and I'm going
9 to address two questions to you folks. And whoever wants to
10 answer, may do so. In community forums, who do you get?
11 You get the people that are activists. You get the people
12 that are willing to participate. You don't reach out to the
13 people who are kind of the laybacks, the laissez-faire type
14 individuals. You obviously don't get the criminals.

15 And how do you -- What do you suggest to reach
16 more of the community through those types of channels of
17 communication?

18 And then the other question I have, and I guess I
19 would direct it more towards Ms. Harrington involving the
20 police domestic violence situations. Do you feel that in a
21 community as Sonoma County, probably could be considered as
22 a community, being a small county, that an agency other than
23 the District Attorney should be involved because of the
24 uniqueness, of its closeness, if you will in prosecuting
25 police officers for domestic violence?

26 Again, the deputies, I think it's like 36 deputies

1 are prosecuting cases in the criminal court and they're
2 dealing with these police officers on a fairly regular
3 basis. They become friendly with them. They're almost
4 pals, so to speak. So it becomes a difficult choice for
5 them to prosecute -- even to file and then to further
6 prosecute.

7 And my question is: Do you have any suggestions
8 as to how to overcome that type of situation that may
9 exist? And then is there any type of implementation, if you
10 will, to secure insurance for the follow-up of the police
11 officers who have been convicted and now can no longer carry
12 a firearm? What suggestions do you have to see that that is
13 being carried through?

14 MS. HARRINGTON: On the police domestic violence
15 situation, I think there needs to be some type of a
16 coalition within every community of the police department,
17 the District Attorney's Office, and the domestic violence
18 advocates in the community where -- The very biggest problem
19 we have in the police family violence is getting any of the
20 victims to come forward because they're terrified because
21 their husbands or -- and I say husband' because 90 percent
22 of the domestic violence is the husband against the wife and
23 not vice versa.

24 But the spouse says, "Nobody is going to believe
25 you. It's my buddy that is going to investigate this in
26 Internal Affairs. If you do this I'm going to lose my job

1 and then you're really going to be in trouble. And besides
2 the DA is a buddy of mine. Have you ever seen a police
3 officer be arrested for domestic violence?" You know, that
4 kind of thing.

5 So even getting to -- to find the victims is a
6 really serious problem. And the only place that I noticed
7 they has done any kind of outreach is Chicago. Chicago has
8 what they call an Office of Professional Standards, which is
9 all civilian. It's their Internal Affairs Department,
10 except there are no -- the civilians run it. A woman named
11 Gail Shines is in charge of it.

12 And they set up a special unit. Of course,
13 they're a huge department. They set up a special unit
14 within the Office of Professional Standards that just does
15 police family violence cases.

16 They sent letters out to the families of police
17 officers and said, "Look, we understand this is a problem.
18 We assure you, if you come forward, we'll do everything we
19 can to help you solve these problems." They do training
20 among the police officers. They do training in the academy
21 with the spouses.

22 They do take -- they don't take enough cases
23 forward, in my opinion. I think that they try to do a lot
24 through counseling and that kind of thing rather than
25 actually prosecute. And I've talked to them about that.
26 But at least they're doing something to reach out to the

1 families and try and get those women to come forward and
2 file complaints.

3 The other problem that we see in police family
4 violence is frequently the police officers do not live in
5 the community that they police, which is another reason why
6 they become estranged from the community, because they don't
7 even live in that community.

8 So maybe in this example, you have a Santa Rosa
9 police officer that lives in the county. And so when the
10 call on domestic violence comes out, it's a County deputy
11 that responds, it's not a Santa Rosa cop. And so maybe the
12 Santa Rosa Police Department doesn't find out through any
13 official channels that their police officer has been
14 arrested or that there have been calls to the home on
15 domestic violence.

16 Baltimore, Maryland has gone to the point where
17 they have cooperative agreements between all of the law
18 enforcement agencies within the county and now they're
19 trying to spread out to the state. They're trying to make
20 it a state law. That is, a police officer is the subject of
21 a domestic violence call, that that department must report
22 it to the department where that person works. Plus having
23 the mandatory arrest.

24 So there are a lot of different -- The
25 International Association of Chiefs of Police is coming out
26 model policy on police family violence that includes

1 mandatory reporting, mandatory arrest, this kind of thing.

2 So far as I know, nobody does anything with police
3 officers that get convicted of domestic violence except fire
4 them. I haven't seen agencies try to make special positions
5 for them to put them into some civilian mode.

6 On the other question that you had on the -- you
7 had a question on coalitions?

8 MR. CARNEY: The community forums. How do we get
9 more involvement?

10 MS. HARRINGTON: How do we get more involvement?
11 These communities here are small enough that it should be
12 not that difficult to reach out and identify the segments of
13 the community that maybe aren't being heard.

14 In my experience in Portland, I serviced a
15 community of about half a million people. And we had
16 precincts and each precinct commander had what was called a
17 Citizen Advisory Panel. And that panel -- Portland is kind
18 of unique because it's set up on neighborhood lines and they
19 act -- the whole city responds to things based on
20 neighborhoods.

21 And so every year they do a survey of this -- they
22 mail it out to your home. If you live in the City of
23 Portland, you get a survey mailed to you asking you a
24 million questions about city services. And among them are
25 how do you rate the police? Did you call for police
26 service? Were you satisfied with the service? What were

1 the bad things? Those kinds of things.

2 But beyond -- So that's one way, is doing some
3 kind of a mail survey. But the other way is that each
4 precinct commander had for the neighborhoods in their
5 precinct, that neighborhood would appoint one or two people
6 to come in and be a part of a Neighborhood Advisory
7 Committee that would usually meet once a month at the police
8 station and talk about whatever the issues were in that
9 neighborhood going on at that time.

10 But we also made them expand it and not just do
11 neighborhoods. He made them put youth representatives on,
12 representatives of the elder, representatives of the gay and
13 lesbian community and to make sure that they were racially
14 diverse.

15 And it was -- as a precinct commander, I thought
16 it was a wonderful tool because I always knew what was going
17 on out there. I knew where my officers were doing really
18 good work, I knew where they were kind of falling down. I
19 knew what the community wanted my priorities to be. I may
20 have thought that the big problem was burglary and they may
21 have thought it was car theft.

22 And so it was a good tool to me. And I think that
23 once the police agencies start doing this, they will realize
24 it's a benefit not a problem.

25 MR. CARNEY: Do you think there are ways of, say,
26 implementing more in the neighborhood contact? Not by just

1 the police on the street but I mean by the administrators?

2 At the break I was talking to the sheriff about
3 what do you do to talk and communicate with the deputies on
4 the streets? And he's indicated a program that he just
5 instituted where the supervisors are going to work with the
6 deputies every so often and -- because he has a fairly small
7 department, they can do that.

8 Do you think that there are ways that can be
9 practically implemented where the administrators as well as
10 the police on the street get to the community and talk with
11 them and become friends?

12 I mean, that's -- it's a communication issue. And
13 I think that's really where we're coming from, even
14 involving the shootings. People appear to me, from what
15 I've read and what I've heard today, it appears to me that
16 there is that distrust, there is that secret situation going
17 on that they feel left out of something. There's something
18 missing.

19 And we here sit and listen and read these
20 documents, and we try to formulate an opinion about what's
21 going on. And we've talked about some of the things that we
22 read before this hearing. And we say, "Well, why is there a
23 gap here? What's missing?"

24 And, again, I think it's a communication -- it
25 seems to me to be a communication gap. And that's what I'm
26 looking to see what there could be to get more of the

1 community involved, to get that "we" business, as
2 Mr. Casimere stated it, back into, focus back into reality.

3 MR. CASIMERE: I'd like to make a couple of
4 comments in response to yours, sir. And that would be
5 this. I think that we have to be concerned about getting
6 the word out to people in the community about how they can
7 impact policing if there's a concern or a question or
8 whatever.

9 When the District Attorney was here earlier, he
10 talked about a process, a house process, that was
11 established. But a house process -- and this is no slight
12 to him or anyone else -- but a house process is no good
13 unless people understand out on the street who can use it
14 how it works.

15 What we try to do in our community is we look at
16 who's coming in to file complaints? Who is coming in with
17 the concern? Then we try to target certain groups. Yes, we
18 try to hit the whole community with our message, but we do
19 try to target certain groups.

20 Let me give you an example. I, as the head of our
21 staff office, do a lot of public outreach. And I'll go
22 anywhere and talk about police accountability. And I don't
23 mind doing it. But there's one thing to go to the Sons in
24 Retirement and talk to them about how to file a complaint or
25 what some of these issues are, or to the Lions Club as
26 opposed to going down to the familia, house, in the Hispanic

1 area of town or the Laotian organizational meetings in the
2 Laotian communities or to the neighborhood house in North
3 Richmond where these are people that are out there dealing
4 with what's going on in the street. You have to reach
5 them. Those people that are disenfranchised or feel that
6 nobody wants to hear what I have to say anyway have to be
7 reached.

8 This thing is all about communication. You cannot
9 underscore the importance of communication of people in the
10 community knowing what the limits are.

11 Here's another thing that civilian oversight can
12 do. People need to know what when the limits of law
13 enforcement officers are. What they can do. What they
14 can't do. They need to know what their rights are. What's
15 appropriate and what's not.

16 I go into the YMCA and talk to young people or the
17 neighborhood houses in Richmond and people ask me, "Well,
18 this cop stopped me. What should we have done?" So we do a
19 whole session on "Listen, if the police officer stops you,
20 here's what the officer has the right to do. And we're not
21 encouraging you to do this or that, but here's what you
22 should probably respond by doing. If an officer asks you to
23 show your hands, or whatever, show him. I mean, here's the
24 reason why."

25 So I think it is important to identify those areas
26 where people feel disenfranchised, draw them into the

1 process. As you indicated, it does you no good to have a
2 community forum when you've only got those people that are
3 jumping up and down and will always jump and down -- I'm
4 from Berkeley, by the way. And those people that will not
5 attend those meetings.

6 So whatever we can do to bring them in and make
7 them part of the process, that's what it about.

8 MR. HERNANDEZ: I have one question.

9 It hasn't been addressed and it's come up a couple
10 of times here today. And that is that it's been interesting
11 that all of you that have been involved with civilian police
12 review boards.

13 What's the role of the media in all of this? We
14 haven't addressed that one. And I see a smile on your
15 faces. What's the role of the media in all of this? Do
16 they have a role to play in any of this? Is there something
17 that needs to be kept in mind by members of the community
18 and police departments?

19 MR. PARKER: Let me go first. I've had some
20 experience. I've also been the Officer Murphy that you
21 talked about for 22 years in Oakland and it didn't work.
22 There's no control over that anymore. Officer Murphy didn't
23 look like his community and that's why it's changed.

24 To answer your question, the media can sink or
25 promote this into a very successful existence. In
26 San Francisco you have a very community-oriented media

1 that's followed issues within the community and the various
2 communities within San Francisco, I should add. And never
3 let an issue go until it was resolved by somebody. Some
4 official had to resolve that issue before the media was
5 going to let go. They were like the junkyard dog that
6 wouldn't let go of your pants leg.

7 In San Diego the media is somewhat different. And
8 without chastising them, they're a more conservative media
9 that is unwilling to speak ill of the County Sheriff or the
10 County law enforcement. They're unwilling to take those
11 kinds of issues on. And as a result, you have a problem of
12 civilian review sort of struggling. And which is one of the
13 reasons why I went down there, was to try to create a new
14 life for the civilian reviews in the County of San Diego.

15 So the media plays an important role. It's
16 whether they report accurately incidents and then the
17 follow-up of those incidents.

18 MR. HERNANDEZ: Anybody else have a comment on
19 that?

20 MR. CASIMERE: Media obviously plays an important
21 role. But I think in civilian oversight, many times the
22 media, since you are from the civilian oversight point of
23 view and not the police, they want you to give everything.
24 What's going on? Open up the process completely.

25 And I think one of the concerns is that you want
26 to release information that shows that, yes, the

1 investigation is taking place, it's objective, it's fair,
2 it's open. But you also have to be mindful, particularly in
3 this state; there's a thing called AB-301, Assembly bill,
4 Peace Officers Bill of Rights. And there are certain things
5 that cannot be released and can be.

6 But I think it is important that people want more
7 than just putting a complaint into a process, sitting back,
8 not hearing anything for months, and then waiting for a
9 letter to come in the mail. You know what I'm talking
10 about?

11 I think there is a need to be as open as possible.
12 But, again, being concerned about those rights and
13 responsibilities that police officers have.

14 I have never, in all of my years as a civilian
15 oversight, come across a police association or union or
16 sheriffs' union that supports civilian oversight. And you
17 better believe me. If there is a slip in the media of
18 information that is released that should not be, that it is
19 deemed confidential or the identity of an officer is put
20 forth and it should not be because that information is
21 prohibited to go out, you're going to hear from your
22 association.

23 And not only are you going to hear from them, it's
24 going to damage your ability to have an ongoing professional
25 relationship in the future.

26 So I would say this: The media is definitely

1 important. They can be critically important in getting the
2 information out, the word out, the outreach portion in terms
3 of organizing community forums and so forth. But there are
4 limits that have to be spelled out as well.

5 MR. CARNEY: In Los Angeles, they had that bank
6 episode with the body armor, et cetera. And recently, they
7 had a -- the community in the immediate area of the bank
8 had what they called a kind of a graduated block party for
9 the police officers involved and to show their
10 appreciation. And I happened to -- at the time I was
11 looking at the news accounts of that and I thought it was a
12 pretty neat deal.

13 And I also thought to myself, "Why don't the
14 police reach out and have a similar kind of a situation in
15 those neighborhoods," as Mr. Casimere has pointed out, the
16 areas of need are those that seem to be in need, if you
17 will.

18 I realize there's a cost factor involved. But the
19 community can get involved by getting -- And, again, this is
20 just an off the top of my head kind of thing. The community
21 can get involved by the merchants participating in something
22 like that. And, again, getting the communication with the
23 community, the police officers and the citizenry. And that
24 being the citizens that don't participate in these kinds of
25 programs.

26 MS. HARRINGTON: It doesn't cost a whole lot to do

1 citizen outreach. It really doesn't. It just takes a
2 little bit of your time. And an example I'd like to give
3 you is when we first had a lot of the Vietnamese and Laotian
4 and Cambodian people coming to the United States, most of
5 them that came couldn't speak English and they were
6 terrified of the police because in their countries the
7 police killed you. They'd take you away and you'd never be
8 seen again.

9 And we were hearing that there were a whole bunch
10 of home robberies that were taking place in one of these
11 communities in Portland. And yet, no one was complaining.
12 But we kept hearing it, sort of through this grapevine.

13 So finally -- We thought we had established some
14 pretty good relationships with some of the leaders in the
15 different Asian communities. And we went back out to them
16 and said, "We keep hearing this, but we can't get people to
17 talk to us." And they said, "We know. They hate you.
18 They're terrified of you, they're not going to talk to you."

19 And I said, "What can we do? How can we get them
20 to come into the police department talk to us and tell us
21 what's going on? They're being victimized; we want to
22 help." And they said, "Have an open house." I said, "Oh,
23 that's crazy. This is just a police department. It's just
24 offices. What am I going to show them? There's nothing
25 here." And he said, "That's what they have to see. They
26 have to see that there are no cages that you put people in,

1 that you never let them out." They have to see that there's
2 just ordinary people working there."

3 So we did. We went out to the merchants, we asked
4 them to give us a little bit of money to buy some food.
5 They did. They catered some hors d'oeuvres and things and
6 we invited people in. We made sure we had plenty of
7 interpreters there and we kept them in very small groups of
8 about five or six people and gave them a tour of the police
9 department.

10 And, all of a sudden, that was all it look. We
11 started getting all of these reports in then of what was
12 going on. We were able to go out and arrest the gang that
13 was doing it.

14 It doesn't cost anything. It just takes the
15 willingness and the desire to go out and build these bridges
16 and build these relationships and you can do it. It's
17 nothing magic.

18 MR. CARNEY: Is there any type --

19 MR. HERNANDEZ: Mr. Carney -- I hate to
20 interrupt -- Okay, make it short.

21 MR. CARNEY: Is there any type of state program
22 available to further your particular pursuits, if you will?

23 MS. HARRINGTON: Through the Bureau of Justice
24 Assistance, there are all kinds of federal funds that are
25 available. For example, on the domestic violence, under the
26 Violence Against Women Act, there is a Violence Against

1 Women Grants Office that gives quite a bit of money to local
2 areas that want to develop community-coordinated programs.

3 Anybody that wants to develop a
4 community-coordinated program in law enforcement is going to
5 be able to find some grant money to do it. Either under the
6 Bureau of Justice Assistance, Violence Against Women, the
7 Victims of Crime Groups. It's out there.

8 And so, as I say, I don't think it takes a lot of
9 money. But there's also technical assistance available.
10 The COPS Program, which is the Community Oriented Policing
11 Services got billions of dollars from Congress to put the
12 extra cops on the street. But they also got millions of
13 dollars in training and technical assistance moneys. So all
14 you'd have to do is make a phone call back there and they
15 could send people out that could help start training right
16 away.

17 MR. HERNANDEZ: Final question to Commissioner
18 Reynoso.

19 MR. REYNOSO: You have read some of the materials
20 and heard some of the testimony previously to your panel.
21 And I don't -- I hope that I'm not calling on you to be
22 presumptuous in asking you my question but at least
23 preliminarily what recommendations would you have to this
24 community in terms of the process? Because I was interested
25 in the notion that this has to be a community discussion
26 even if you're thinking of having an independent review

1 board or authority.

2 So I just wonder, based on what you've heard today
3 and what you've read before here or read have today, what
4 recommendations would you have for the 11 police departments
5 and the governing bodies and, of course, the concerned
6 citizens?

7 MR. CASIMERE: I'll go ahead and initiate that
8 response and I'll say this. It is clear that there is a
9 need for ongoing and open ways of communication for all of
10 the communities that are involved. Anytime there are folks
11 in the community that feel that there's a problem with the
12 police department or sheriff's department they cannot
13 resolve and feel that the sheriff's department or police
14 department does not want to hear what you're trying to say,
15 then you have a problem. And it's a problem that has to be
16 overcome.

17 Secondly, I think it's one of training. Once you
18 establish avenues of communication, you sit down and talk,
19 you might be intimidated but willing to express ideas, then
20 it's one of training folks involved. And you can talk about
21 the community that needs to be trained, if you will, in
22 terms of what limits and some of the mystique surrounding
23 police are. And there are the police officers that need to
24 be trained.

25 One area that immediately comes to mind, based on
26 some of the news accounts that I have read about incidents

1 up here is that there is a need for officers to be trained
2 on ranges of options in a given situation.

3 And I think Chief Harrington adequately hit upon
4 it earlier, but I would be remiss if I didn't make one
5 comment about it. And that is to say that what is justified
6 for an officer to do legally may not be the most appropriate
7 action. And one inappropriate action, although it's
8 justified and although the DA can't file charges, can
9 inflame a community or set you back months or years in your
10 community relations aspects.

11 So the comment would be or my response would be
12 communication and then training. Let your police officers
13 know, yes, you might be in a position where you're justified
14 to pull out a gun and shoot. But once that trigger is
15 squeezed and that bullet goes off and hits its target, you
16 can't change what has happened. And that can really set you
17 back.

18 MR. HERNANDEZ: I'd like to thank the panel. This
19 has been one of the most informative aspects of the entire
20 hearing. It has really added, I think, one of the finishing
21 touches. And I can't tell you how much we all appreciate
22 it. I know that everybody on the panel really enjoyed this
23 part.

24 And we wish you a very successful continued
25 experience in all of the things that you do and thank you
26 again very much.

1 I'm going to take a break for five minutes. We'll
2 clear the room to get the next group of people and then we
3 will have our public comment.

4 MR. MONTEZ: The public comment is the next step
5 they have them downstairs.

6 MR. HERNANDEZ: Okay. So the people that are
7 going to be making public comments will be invited up. So
8 we'll take a five-minute break.

9 (Break taken at 4:15 p.m. until 4:30 p.m.)

10 MR. HERNANDEZ: All right. I'm going to reconvene
11 the meeting.

12 The way we're going to do this is I'm going to
13 call people who want to give their input to the open session
14 in groups of 10. Now, I've asked the Highway Patrol to let
15 as many people as we can possibly accommodate, using
16 standing room only, into this part of the hearing. And then
17 I'm going to call people in groups of ten.

18 The people that are going to be giving testimony
19 will be asked to limit their remarks to one minute. Now, I
20 understand that that's not a whole lot of time but you can
21 submit for the record written responses.

22 The record will stay open for 30 days. So if you
23 feel you haven't had your say, then you can write the rest
24 of what you have to say and we will put it in the record.

25 The other thing that I want to caution all of the
26 speakers on is the defame and degrade issues. The panel

1 will not tolerate anybody being vilified or insulted or
2 called names or defamed and degraded in any way.

3 I want you to speak directly to the issues without
4 getting into personalities and name-calling and that kind of
5 stuff. Anybody who starts any of that kind of stuff, I'm
6 going to have the mike shut down and I'll have you removed.

7 So those are the ground rules. We just want to
8 keep a sense of decorum in the hearing. There will be no
9 questions from the panel. We want just the final input.

10 There are 60 people that are waiting to make
11 statements. At a minute apiece, that's about 60 minutes.
12 And so I'm going to ask you to forgive me. When I tell you
13 your minute is up, it's up. And we're going to move on.

14 So I appreciate, your cooperation.

15 I have the rabbi here and then the following
16 people I'd like them to come forward and be admitted Anthony
17 Ferrari, James Carlson, Jaime Gutierrez, Eric Goldschlag,
18 Mary Moore, Ken Davenport, Todd Mendoza, Patrick Figari,
19 William P. Adams, and Darlene Grainger.

20 Rabbi, your minute starts now.

21 RABBI MICHAEL ROBINSON: I'm Rabbi Michael
22 Robinson, Rabbi Emeritus, Temple Shomrei Torah in
23 Santa Rosa, five years president of Sonoma County Task Force
24 on the Homeless.

25 I'm here because I've been disturbed by the
26 violence in Sonoma County since I moved here nine years ago,

1 disturbed by the driveway shootings, by the high speed
2 police chases, disturbed by the atmosphere of distrust in
3 this county, disturbed by the eight police shootings between
4 January of '96 and November of '97.

5 I am not reassured by in-house reviews by the
6 District Attorney, the sheriff oversight of the police
7 department and vice versa.

8 I am disturbed by the necessity for these hearings
9 that we have here today that were absolutely mandatory to
10 this community. I'm glad it's taking place. I'm disturbed
11 the police department feels so defensive and has to. I'm
12 disturbed by the polarization. I walked in here, somebody
13 gave me a ribbon. I had it on. I saw other people with
14 yellow badges. I asked for a yellow badge, I couldn't get
15 one.

16 I don't like to see the room divided by the yellow
17 badges and the ribbons. I don't like this kind of
18 polarization.

19 I think that there is an absolute demonstration of
20 the need for an independent civilian police review board to
21 stand by and support the police, to reassure the police.
22 Independent, affirmative to reassure the community that
23 there is true oversight of the police to work together on
24 policy and to improve relationships between the police and
25 the community.

26 MR. HERNANDEZ: Thank you very much. Very well

1 said.

2 RABBI ROBINSON: I have something here --

3 MR. HERNANDEZ: Yes, you can submit the statement.
4 Could you state your name for the record.

5 JAMES CARLSON: James Carlson. I have two points
6 to make. I can't possibly cover what I wanted in one minute
7 but I will state two things.

8 One is that it's clear to me that it is obvious
9 that everyone has missed the point about who is at fault in
10 these violent acts. People are refusing to disarm and
11 refusing to comply with the commands of the police, forcing
12 us into these situations in self-defense.

13 The other thing I would like to state for the
14 record is if there eight dead police officers as a result of
15 these incidents, there would be no hearings today. Thank
16 you very much.

17 MR. HERNANDEZ: Jaime Gutierrez? Is he here?
18 You're next.

19 JAIME GUTIERREZ: Good afternoon, Commission.
20 It's unfortunate that you have to be here for this reason,
21 Honorable Cruz Reynoso.

22 I'm with the Salomon Hernandez Justice Committee,
23 and I just wanted to say that the police report was very
24 extremely biased in this case. The character witness was
25 diagnosed with schizophrenia. Not in any of the -- There
26 was a surveillance camera at the police station. Not at any

1 time was this film subpoenaed by the police department or
2 asked for it.

3 The press made Mr. Salomon Hernandez out as a
4 violent person, a bad person. An illegal alien.
5 Mrs. Hernandez was taped without her permission and
6 information was obscured and they took information as they
7 selected it. We can go on and on about Mr. Hernandez's
8 case.

9 The one witness that was there has been
10 intimidated into exclusion. He's in hiding right now
11 because he's scared for his life. They were rattling his
12 cage a month after -- you know, for a whole month after the
13 killing.

14 But my big question here today is why was the
15 hearing being held during working and school hours when the
16 community, our working class community, could not be here?
17 Why is the Mexicano Chicano popular community not
18 represented here on any of the community panels?

19 And I would ask that this Commission make a real
20 effort to hear the Mexican Chicano community's grievances
21 about police enforcement abuses, preferably in their
22 communities. For example --

23 MR. HERNANDEZ: Time. I'm sorry, but I'm going to
24 have to leave it at that. So go ahead and make the last
25 statement.

26 MR. GUTIERREZ: That would be Roseland, Graton,

1 Windsor, at Our Lady Guadalupe, and Sonoma, as well as
2 Healdsburg and the small barrios throughout Sonoma County
3 which is predominantly agriculture.

4 MR. REYNOSO: Just a reminder that, unfortunately,
5 the Chair is limiting remarks to just one minute because we
6 have 60 people. But please submit your full remarks. I
7 notice you had them written out for the record. Okay?

8 MR. HERNANDEZ: Your full remarks can get into the
9 record and will be part of the record.

10 MR. HERNANDEZ: Okay Mr. Eric Goldschlag. Is
11 Mr. Goldschlag here?

12 MR. CARNEY: The address is on the board right up
13 here behind us.

14 MR. HERNANDEZ: Right behind -- U.S. Commission on
15 Civil Rights; 3660 Wilshire Boulevard; Suite 810; Los
16 Angeles, California; 90010. And there's the phone number;
17 213-894-3437.

18 Mr. Goldschlag.

19 ERIC GOLDSCHLAG: My name is Eric Goldschlag.
20 I've been a police officer 11 years, nine of which with the
21 Santa Rosa Police Department.

22 February 15th, 1997, a tragic event occurred which
23 changed my life forever. I was investigating an incident
24 and spoke with a gas station attendant who told me the
25 person had threatened him with a screwdriver. Spoke with
26 that person, Mr. Hernandez, who denied threatening the

1 attendant. He denied having a screwdriver.

2 I asked Mr. Hernandez to take his hands out of his
3 pocket. (Three bangs on table with hand.) The sound of the
4 first snap represents me asking Mr. Hernandez to take his
5 hands out of his pocket.

6 The time between the first snap and the second
7 snap was how long it took for Mr. Hernandez to remove his
8 hand from his pocket and strike me in the head as hard as he
9 could with pointed end of the screw driver.

10 The time between the second snap and the third
11 snap is how long it took me to realize Mr. Hernandez was
12 trying to kill me. That he poised and was threatening and
13 was ready to strike me again in the head. I was forced by
14 Mr. Hernandez's actions to defend myself.

15 On the way from me being rushed to the hospital to
16 treat my severe injuries, I telephoned my loved ones,
17 including my mom, who is here today, to tell her that I
18 would be okay, that I would be coming home at the end of my
19 shift, as I had promised her.

20 I don't understand why were Mr. Hernandez felt it
21 was necessary to try and kill me. I don't understand why he
22 didn't think about the consequences of his actions before he
23 committed them. I don't understand why Mr. Hernandez didn't
24 think about his children and his wife before acting so
25 violently against me. I don't understand why he didn't
26 think about my loved ones before trying to kill me.

1 And, again, I'm trying to edit what I wanted to
2 speak about.

3 I've been accused by a few people of provoking
4 this incident, of overreacting, of being racist and of
5 violating Mr. Hernandez's civil rights. What about my
6 rights? Mr. Hernandez violated my civil rights when he
7 criminally attacked me with a screwdriver and used it as a
8 deadly weapon.

9 Sergeant Carlson's civil rights were violated when
10 was criminally attacked with a metal club. Officer Stevens'
11 civil rights were violated when he was criminally attacked
12 with a metal pipe. Officer Shields' civil rights were
13 violated when he was criminally attacked with a staff.
14 Officer Wojcik's civil rights were violated when we was
15 attacked with a gun.

16 I hope these violent acts being committed against
17 our law enforcement community end soon. I hope these
18 spouses, children, families and friends of the law
19 enforcement officers, some of which you see here today, will
20 some day be able to sleep easier at night knowing we are
21 safer in this community.

22 We all want to work together within our community
23 to make this county a better place to live and a better
24 place to raise our children.

25 Thank you for your time today and thank you for
26 everyone for coming here and showing this panel your

1 interest in this matter.

2 MR. HERNANDEZ: Thank you very much. Appreciate
3 that.

4 Mary Moore.

5 MARY MOORE: My name is Mary Moore and I'm very
6 conflicted now about what to talk to because I've been
7 working for the Salomon Hernandez Committee for quite some
8 time and, believe me, there is another side to the story
9 that you just heard. This man also was responsible for
10 killing in 1989, the man that just spoke to you.

11 I want to give up my minute and submit something
12 to you in writing. I came here prepared to deal with the
13 alleged gang situations here which I could tell you a lot
14 about. But I'm, instead, going to use my minute because I
15 want to respond.

16 And I was in the back, I could not see who said
17 that -- something about how to get the community more
18 involved. I want you all to know you've been up here in
19 this room all day. The community has been downstairs,
20 standing in line, trying to get into this room. And I need
21 to let you know that we tried when we first knew that we
22 were going to be doing this, we tried to get the venue
23 changed. Because we live in the community; the person who
24 made these arrangements does not.

25 We wanted to have it at the Vet's Building, where
26 there was space, where they was parking, where people could

1 get in and be heard. Instead, people have been insulted.
2 We have had nothing but a police state downstairs and a near
3 rebellion a lot of people have gone home in disgust because
4 they couldn't get in.

5 The other thing is we were told -- I'm one of the
6 organizers of this event. We were told that we would have
7 until -- you would stay until we needed to go. There's so
8 much in this community, so many people that want to be
9 heard. We were told you would stay and that this has
10 happened in other communities and that you have stayed to
11 listen. When we got here this morning we were told it is
12 going to be cut off at 5:30. Now we have one minute. You
13 can't say a lot in one minute.

14 I just think if you want the community involved,
15 you've got to quit insulting them. Even today, it was
16 stacked by the people with the yellow buttons, and you must
17 all know that by now. They all got word to stand by the
18 elevator and to come up in the elevator and then they would
19 not leave after the two hours when we were supposed to be
20 rotated in.

21 For me, I've been in the lobby all day and that's
22 where the real stuff has been happening. And I'm sorry that
23 you have been up here. I think there have been some good
24 people on the panels, but I wish you could have been in the
25 lobby and heard and seen what I've seen today. There is so
26 much going in Sonoma County; and now you in one minute, I'm

1 supposed to try to respond to all of this. I can't do it
2 can't be done, none you of. And I talk fast.

3 So what I need to say to you, and this will be my
4 closing thing, is I do feel that the problems go much deeper
5 than just a citizens' review board. I don't think that's
6 going to do it. Especially, if it's controlled by the
7 government. That's part of the problem.

8 When we start dealing with the issues of class and
9 race, maybe we will get somewhere. But until class and race
10 and -- and, you know, we hear a lot about race, but when
11 class is dealt with, then we will get somewhere.

12 MR. HERNANDEZ: Thank you very much.

13 Please. I'd like the audience not to participate
14 in that manner, please. This is not --

15 A VOICE: Why not? Why not?

16 MR. HERNANDEZ: This is not an advocacy procedure.
17 This is a hearing.

18 A VOICE: I think it is.

19 MR. HERNANDEZ: Well, that's the rules. If you
20 want to remain here, then you're going to follow the rules.
21 And that's all there is to it.

22 All right. Next, Ken Davenport.

23 KEN DAVENPORT: Good afternoon. My name is Ken
24 Davenport. A little over a year ago, the Santa Rosa paper
25 carried an article that the Santa Rosa Police Department was
26 beginning a Citizens' Police Academy. This academy was

1 opened to residents who worked or lived in Santa Rosa. The
2 purpose of the academy was to help citizens obtain a better
3 understanding of how law enforcement works. I applied and
4 was accepted into this 12-week academy.

5 We had a number of subjects, beginning with the
6 history of law enforcement, community policing, diversity,
7 narcotics, gangs, explosives and many more. All of these
8 classes were taught by officers at the Santa Rosa Police
9 Department. The program was extremely formative and well
10 accepted by the citizens who participated.

11 Not only did we learn a lot about law enforcement,
12 we were able to get to know some of the men and women of the
13 Santa Rosa Police Department. I can tell you by observing
14 the officers who were instructors in the Santa Rosa Citizens
15 Police Academy, these are profession, competent, dedicated
16 men and women. They work, they live in our community. They
17 worship, they educate their children in our community and in
18 our schools. And they are a part of the Sonoma County
19 community.

20 Since the graduation from the police academy, I've
21 also been serving as a volunteer with the Santa Rosa Police
22 Department. I don't personally know any other law
23 enforcement personnel in Sonoma County, but I can tell you
24 that if they are the caliber of the Santa Rosa Police
25 Department, we indeed are fortunate in Sonoma County to have
26 such a talented and dedicated men and women in law

1 enforcement.

2 Thank you very much.

3 MR. HERNANDEZ: I'll call forward Anthony
4 Ferrari.

5 ANTHONY FERRARI: Thank you. Ladies and
6 gentlemen, my name is Anthony Ferrari, I'm a resident of
7 Rohnert Park. I grew up in South Central LA and East LA,
8 not too far from where Mr. Reynoso lived in Whittier. "Peco
9 Nuevo," as we called it on the streets.

10 This part -- Sonoma County is the best place in
11 California to live because I have lived in areas where -- I
12 have six daughters. And I have lived in areas where I have
13 been in fear of my life and the safety of my family. And
14 it's rough. You people that maybe have been down to South
15 Central LA, I lived at 43rd and Gramercy, know what it's
16 like to be able to step out on the streets, and you worry
17 about especially the women. This is about as good as it
18 gets. This is the best place in California and that's why I
19 moved here from Los Angeles.

20 I wanted to talk about my neighbor that was killed
21 about a year ago. And my children go to school with his
22 children. And there was -- unfortunately there was more
23 behind the scenes that has come out in the newspapers as to
24 what his personal life was like. There was a crying out to
25 the community for help by members of his family. And I have
26 not read about that in the newspaper, but we in the

1 neighborhood knew about it.

2 I thank you for your time. I understand everybody
3 is from everywhere in California. And like I say, my work
4 takes me all over the state. Even now, I've been in
5 everybody's neighborhood. So believe me, I know the State
6 of California very well. This is the best.

7 And these policemen here are much more
8 conservative than what I would find say, like, in some of
9 the southern -- some of the areas that are very rough. But
10 at least it's safe at night for my wife to go the store with
11 my children. Thank you.

12 MR. HERNANDEZ: Thank you very much.

13 Mr. Todd Mendoza.

14 TODD MENDOZA: Hello members of the Commission.
15 My name as Todd Mendoza and I've been a resident of Sonoma
16 County for over 35 years, a resident of the southwest area
17 of Santa Rosa, which is probably the most culturally diverse
18 area in Sonoma County.

19 I represent Southwest Area Citizens Group who are
20 kind of like a liaison for the area to get the voice out.
21 We've dealt with the neighborhood community policing and
22 have had the Sheriff's Department work alongside us, our
23 group. They've been on our board. They've created many
24 partnerships in that area. With the annexation from city --
25 from county to city, they created a real smooth transition
26 for us and have asked to be educated and have educated us.

1 We have numerous community groups there and they
2 all -- the sheriff and the police department seem to be
3 there at those meetings. So with the help of the Sheriff's
4 Department, they have created a nighttime hoops, basketball,
5 in our community. And now with the support of the
6 Santa Rosa Police Department, have also been involved -- we
7 knew the officers as Steve Thomas and Steve Nick,
8 Sergeant LeGrow.

9 They're there. They're in our community on a
10 regular basis. So I really support them and they're already
11 out there. Thank you.

12 MR. HERNANDEZ: Thank you very much.

13 Mr. Patrick Figari. Is Mr. Figari here?

14 I'll go to the next person. Mr. William P.

15 Adams. Is Mr. Adams here?

16 Mr. Adams.

17 WILLIAM P. ADAMS: I'm so disappointed and upset
18 and disgusted. I talked to Dr. Hernandez earlier. This is
19 the worst planned, the very worst planned hearing that I
20 have ever attended as far as getting the people in here.
21 This is awful. There are at least six churches in this town
22 who will seat a thousand. Or more. There's a Veteran's
23 Building. There's the Burbank Center, which will seat 1250
24 people or better. This is inexcusable. Absolutely
25 inexcusable.

26 This hearing should be repeated. So that the

1 people can hear and be heard. There should be time, more
2 than one minute. I appreciate the fact that you're keeping
3 the record open because I'll have some more remarks to
4 make. Many of the remarks that have been made are a good
5 part of what I would have said anyway.

6 But I live in Rohnert Park. And any one of us
7 here could have told whoever planned this thing that there
8 would be more than 30 or 40 people. That's what I told they
9 believed would be here. This is awful.

10 MR. HERNANDEZ: Thank you very much.

11 Darlene Grainger? Is Darlene Grainger here?

12 I'll go to Richard Allard.

13 Oh, Darlene is here? Okay.

14 DARLENE GRAINGER: First, I want to thank you guys
15 for being here. We appreciate it. Okay. One minute so
16 I'll try to talk fast here.

17 My brother was Dale Robbins. I'm Darlene
18 Grainger, my brother was Dale Robbins. He was shot and
19 killed in the Santa Rosa police station, in the lobby. So
20 here -- and my sister kind of wrote it out for me, made it
21 shorter.

22 Dale went to the police station asking to speak a
23 police officer. What people -- What people weren't told was
24 that when I picked up my brother's vehicle, my brother's
25 vehicle had a slash on the seat covers and mud throughout
26 his truck. My twin brother was -- He was my twin -- was an

1 immaculate person and kept everything clean. He went to the
2 police station for help.

3 Well, we will never really know what happened that
4 day, January 30th, 1996, because the police said there was
5 no videotape. On the police audio tape document, an officer
6 said, "I have a camera on the man."

7 Dale was shot and killed in the corner of the
8 police station with three officers present. They said Dale
9 had a club in his hand, a steering locking device in his
10 hand. Yet, he's never had any record of any violence or
11 trouble with the law or anything.

12 I was asked to identify -- No, I asked to identify
13 Dale's body and to say a prayer. I was refused four times.
14 Five hours later, the police searched Dale's home. How can
15 you get a search warrant on a dead person?

16 The Grand Jury did a report on my brother's
17 shooting and, according to the findings of the Sonoma County
18 Grand Jury, the District Attorney made his decision of
19 justifiable homicide based on the report that contained
20 incorrect information and the backgrounds of two
21 different -- mental backgrounds of two different men that
22 were not my brother. And he never went back and reviewed it
23 again.

24 Our family, we asked for help from Home Hospice.
25 We were refused because they said because it was a
26 police-related death, it would put their agency at risk.

1 Approximately one year before my brother was
2 killed, he showed me a picture of a police officer that had
3 threatened his life. And he put it up in the top of my
4 closet. And I didn't know the police officers name until
5 after he died. This was the same officer that was assigned
6 to the officer that shot him immediately following -- that
7 shot and killed my brother, immediately following. So he
8 monitored him. I'm not sure how they do that. They watch
9 over them so they don't talk to other people.

10 Dale had told me that he had threatened his life.
11 This is why I think we need a non-biased civilian review
12 board because Dale might be alive today because we would
13 have -- we could have had something to go to. We had nobody
14 to go to.

15 And I've been getting -- I've gotten threatening
16 calls on my telephone. And I don't know who these people
17 are. They said if I go to the FBI or whatever, I don't even
18 know what they think I know. Except Dale gave me a picture.
19 Maybe they need that. So they said if I go to the FBI,
20 they'd send the local police to my house. And I just
21 think -- I don't even know who those people are. It's kind
22 of a coincidence or what that Dale gives me a
23 Picture of a police officer and then he's the one that
24 covered the police officer that shot him.

25 And so thank you guys for coming.

26 MR. HERNANDEZ: Ma'am, would you, just for the

1 record, if you'll write a statement as to the kinds of
2 threats that you've received and how you've received them
3 and characterize them and send them to us, and we'll see
4 that -- that your story gets in the record completely. All
5 right?

6 MS. GRAINGER: Thank you.

7 MR. HERNANDEZ: I appreciate that. Thank you.

8 I'm going to ask those that testify if after they
9 finish testifying, if they wouldn't mind exiting so that we
10 can have people fill in so that everybody can get a chance
11 to sit in on the hearings.

12 So when you finish making your statement in order
13 that other citizens be able to sit in, then they would in
14 essence take your chair.

15 So I'm not trying to run the community off, by any
16 means. But there's only so many seats and there's a lot of
17 people wanting to get in. So we're going to ask for your
18 help and your cooperation, given the problems that we face
19 today.

20 And I really appreciate your cooperation and I
21 apologize for all the conveniences that we've caused.

22 Richard Allard. Is he here.

23 Okay. I'll ask that the following people -- I'll
24 read 10 more, be shown up so that they can testify.

25 Jeff Ott, Earl Herr, Rudy Kham, Duane DeWitt, Pia
26 Jensen; Andre Lance Dews, Mike McLoone, Bao Yan Chan,

1 Robert McCarter. That's ten.

2 All right. Jeff Ott. Is he here? Is Mr. Ott
3 here?

4 How about Mr. Richard Allard? No?

5 How about Earl Herr? Yes, Mr. Herr.

6 If I called your name and you didn't get up here
7 in time, just raise your hand and identify yourself and then
8 I'll give you the next slot.

9 EARL HERR, M.D.: Thank you for this opportunity.
10 My name is Earl Herr. I'm a physician in Sonoma County for
11 the past 25 to 26 years. I've worked during that time in
12 the Petaluma Valley Emergency Department. And in that role,
13 I've had very numerous opportunities -- in fact, almost on a
14 daily basis -- to work with police officers who are there.

15 My specific reason for talking to you now is about
16 one thing which disappoints me in this particular hearing.
17 That is, that there was a rejection of the request to be
18 subpoenaed and have records subpoenaed. As a professional,
19 I have my records subpoenaed and I am, myself, subpoenaed on
20 a frequent basis to testify on my work, my experience with
21 the patients with whom I deal.

22 And I consider that the police officers are part
23 of our community. I consider that they are professional
24 people for whom I have respect. And we all want to respect
25 our officers. We want them to be part of our community.

26 I do believe that this hearing is an opportunity

1 to help us to do that. I would like to see us pull together
2 as a community and to get beyond the problems that we're
3 dealing with right now.

4 Thank you all for the opportunity to be here.

5 MR. HERNANDEZ: Thank you, Dr. Herr. We
6 appreciate, your remarks.

7 Is Mr. Richard Allard here.

8 Mr. Rudy Kham? Mr. Kham.

9 RUDY KHAM: Thank you, ladies and gentlemen. My
10 name is Rudy Kham. I'm a resident of Sonoma County for 17
11 years, and I work for the Cambodian Career Center in Santa
12 Rosa I'm also president of the Cambodian Career Center. And
13 for the last 10 years, I know some of my people, they have
14 problems with the city, with the county because of the
15 customs and the language problems, and some miscommunicate
16 because they don't understand the new system here. And
17 after the time I became the president of the Cambodian
18 Career Center, I tried to work hard with the city, with the
19 county and we learned a lot about the communication networks
20 and they understand.

21 After they understand, they're getting a lot
22 better. Especially Mr. Steve Thomas, who has helped us a
23 lot to work to work to get all the people here that are not
24 speaking English and they don't understand about the
25 system. They trained them, they get them to (inaudible),
26 they put them in police citizen academy for the citizens.

1 And right now they understand.

2 So I hope in the future I would like to work
3 closely with the city and county police because if we
4 understand each other, we not have any problem. And I'd
5 like to support the city police and the county because they
6 saved a lot of my people in the past. If we miscommunicate,
7 it could turn out my people could get killed by the
8 miscommunication. So the basic point we have to understand
9 each other we have to help each other if we want to be a
10 good citizen.

11 MR. HERNANDEZ: Thank you Mr. Kham.

12 Mr. Duane DeWitt?

13 DUANE DEWITT: Hello. My name is Duane DeWitt.
14 I'm from here from in Santa Rosa. I don't mean to be
15 redundant but I missed most of the hearing downstairs. It's
16 very difficult to hear.

17 I wanted to have a couple of questions answered,
18 if I may, by the Commission's report. Those questions deal
19 with a shoot to policy. The local newspaper has inferred
20 that whatever an officer is going to shoot a suspect, that
21 they intend to shoot to kill. So I'd like to know: Is
22 there is shoot to kill policy for Sonoma County law
23 enforcement agencies? And if so, I would hope that it would
24 be well advertised so all the citizens would know that
25 that's what the policy is.

26 Also, the other question is: If there is a shoot

1 to kill policy, does it violate the civil rights of people
2 who are killed while only suspected of a crime and not
3 convicted of a crime?

4 Thank you very much.

5 MR. HERNANDEZ: Thank you. I'll ask the audience,
6 again, to refrain from clapping, please.

7 Pia Jensen?

8 PIA JENSEN: I am Pia Jensen, city councilwoman in
9 Cotati resident of Sonoma County since 1973.

10 I've seen the crime increase in Sonoma County over
11 those years and I personally feel that our police probably
12 aren't ready to deal with the influx of the changes with
13 population growth. I do believe there's training needed.

14 My experience as a councilwomen and people coming
15 to me in Cotati and complaining about things happening with
16 our police there caused me to go to our city manager and our
17 police. And the only thing that I can do under recommend
18 from them is to refer people to lodge a complaint with the
19 police department. I feel that that disempowers me, and it
20 disempowers the people, and I think a the civil review
21 committee would be a good idea.

22 As a child of a person who worked for the
23 Press Democrat for many years, I can tell you that the
24 local newspaper does not accurately and objectively report
25 on events in Sonoma County. And I think most people would
26 agree with that here.

1 And then I'll close with the messages we send.
2 This is actually kind of funny. As I was leaving for lunch
3 the vehicle that was in front of me had a license plate
4 holder around a state or county or city vehicle license
5 plated -- it had the "E" on it. The holder said, "I'd
6 rather be shopping at Nordstrom's." The police vehicle that
7 was in front of me that had this on there, I think it was
8 totally inappropriate for that to be.

9 And that is the kind of message that is put out
10 there to people with the things we wear yellow like yellow
11 buttons and black and white ribbons. And I think that that
12 may be part of the process and the healing to be able to
13 come together as a "we" if we pay attention to the messages
14 that we send to the people. Thank you.

15 MR. HERNANDEZ: Thank you, Councilwomen.

16 Andre Lance Dews?

17 ANDRE LANCE DEWS: How are you doing? I missed a
18 lot of it myself. I was here this morning, I didn't even
19 know you had a council going this morning. And it's good to
20 see you in Sonoma County.

21 I'm a victim of violent crimes, also. I was
22 beaten by the Long Beach Police Department just before the
23 Rodney King incident.

24 Ever since that tragic event, I went back and
25 complained, back to the Los Angeles, for the treatment I
26 received from the two officers down there where they

1 hog-tied me, beat me, laid me on the floorboard of the car,
2 took me in an alley -- I lost a lot of time.

3 And the only thing I can keep asking up here is
4 I've been a resident of this county since 1975. And I had
5 no warrants -- no warrants, no felony convictions, no
6 problems.

7 And I filed all kinds of complaints. I went to
8 the Internal Affairs. I was wrongly done and put in jail.
9 And my family didn't even know where I was. My mom had
10 family down there where they didn't even know I was in jail
11 for five days. All the pictures were taken but nothing has
12 been done.

13 I've called Washington, I've called back east, and
14 everything I've got is either kicked out of one house, I've
15 been beaten by gang members. I've been shot at my house.
16 And I've been going through Victims of Violent Crimes and
17 not doing anything. But I wish somebody would do something
18 to find out who it was that they had to go ahead and contact
19 back here to find out that this person, a United States
20 citizen, visiting Christmas holidays in Los Angeles for,
21 those officers to do the actions that they did on myself.

22 I'm still going through counseling, and my son is
23 going through counseling, and we're trying to pull it
24 together, but I think somebody should take care of the
25 officers and see what they're going to be doing.

26 MR. HERNANDEZ: Okay. I think what you might want

1 to do is talk with one of the staff, and you might want to
2 file a complaint through the Commission of Civil Rights.

3 MR. DEWS: I have picked up -- I went to
4 San Francisco before my vehicle was tampered with -- and
5 then my vehicle has been tampered with, the phone has been
6 tampered with. All kinds of stuff. It's just like I've
7 been up here in Sonoma County and I can't get back down
8 there to finish it. I had people calling up on the phones
9 saying they're psychics; and did I know if I sue a
10 government official, I'll be dead within the next six years.

11 MR. HERNANDEZ: Thank you very much for your
12 testimony.

13 MR. DEWS: Thank you.

14 MR. HERNANDEZ: Okay. Mr. Mike McLoone? Is
15 Mr. McLoone here?

16 Mr. Bao Yan Chan? Is Mr. Bao Yan Chan here?

17 Is Mr. Robert McCarter here? Mr. McCarter, please
18 come forward.

19 ROBERT McCARTER: Good afternoon.

20 MR. HERNANDEZ: Good afternoon.

21 MR. McCARTER: I'm going to try to make this as
22 quick as I can. I was beaten by the local Sheriff's Office
23 who were helped by two Santa Rosa police officers, possibly
24 one two highway patrolman. I've never had trouble with the
25 highway patrol man in my life.

26 Thirteen years ago, about, my daughter was stopped

1 by a Santa Rosa police officer who was under the influence
2 of cocaine. He was later fired for that use of cocaine.
3 The officer wrote a phony ticket, the officer committed a
4 sex act in front of my daughter while she sat in the car.
5 My daughter was 16 years old, sitting in a little Mustang.

6 We complained. 18 days later, the car was rammed
7 by a four-wheel drive truck. They tried to cover all of
8 that up. We finally got the guy convicted. I guess that
9 was my answer of what happens to a complaint, isn't it?

10 Okay. That's done. A few years later than
11 that -- I'm sorry; my speech is not very good.

12 MR. HERNANDEZ: That's okay.

13 MR. McCARTER: A few days -- Rather, a few years
14 later than that, my daughter was surrounded. We used to
15 follow that car. Family members, friends, some highway
16 patrol friends of ours, would follow the car and watch the
17 behavior of the Santa Rosa Police Department.

18 One night on the way home at 11:30 at night, they
19 surrounded the car with three police cars. One in front
20 slowed her down, one got beside her, one tried to get behind
21 her but unbeknownst to them, I was behind them in my
22 pickup. I wouldn't let that officer in. The officer then
23 pulled up alongside her car and just to the front changed
24 lanes immediately and then slammed on the brakes. They
25 attained speeds of as high as 70 miles an hour on Sonoma
26 Avenue.

1 When they did an Internal Affairs investigation,
2 finally they admitted during the investigation, talking to
3 us, it was a 245 P.C. That's assault with a deadly weapon;
4 the weapon being the police car. Now, I don't know why
5 they're trying to kill my daughter but that's what they
6 done.

7 So we tried to make it clear: No more. There was
8 only one more traffic stop after that and it all stopped.

9 Now, one year later, I'm at my own shop, working
10 late at night again. 12:20. Sheriff gang shows up -- and I
11 say "gang" literally. They drove by first, they found me
12 there, they spotted it three. They deny that but it's a
13 fact. The only Chevrolet driven that night was the first
14 officer.

15 Okay. She made a U-turn, came back and parked. I
16 thought they had left, thought nothing of it, was pushing a
17 car back toward the body shop. Happens to be -- that's a
18 technicality. As I was pushing the car back, I got
19 spotlighted by this sheriff car that are was sitting across
20 the road.

21 So I thought: Well, I'll go see what's up. I
22 held my hands out like this (indicating) because I know
23 they're afraid of the dark. I walked over like this, held
24 my hands out, the spotlight shines on my pale white skin. I
25 walked over to the police car. My hands were dirty because
26 I had just fixed a car.

1 I walked over to the cop car and I got this very
2 rude sheriff deputy who says, "What are you doing here?"
3 Nasty. Very nasty. I don't want to repeat how she said it.
4 I said, "I'm working. I belong here."

5 I thought that was the end of it. So she starts
6 talking on her little lapel thing, telephone thing on her
7 lapel. So I thought: I'm out of the conversation. A few
8 seconds into that I hear two letters, "ID." I thought and I
9 looked -- and I'm deaf in the first place. I looked up and
10 I'm trying to think what would that be for? What is she
11 talking about? What was she doing? So I said "No." I did
12 not have my driver's license on me at the time. Okay. All
13 right; I'm sorry.

14 Now, subsequently, apparently she was calling
15 backup officers. Numerous backup officers showed up. The
16 little driveway was filled with police cars, as many as 10
17 now. I don't know how many. I only thought there was six.
18 Pardon me. So I thought: Well, maybe one these people can
19 tell me. Maybe they'd recognize the fact I work late every
20 night. I walked over, kind of facing them. Maybe just a
21 couple of steps.

22 Meanwhile, I put my hands in my pocket. I didn't
23 realize that was against the law. I had my hands in my
24 pockets. They said, "Take your hands out of your pockets."
25 I thought to myself: What the hell for? So I said "No."
26 We had a wise guy over here about the third car over says,

1 "We have a dog." I says, "I'm not afraid of dogs." Which
2 I'm not. At that very instant, they turned the dog lose.
3 They said something that sounded like it had four words,
4 started with B -- four letters with "B."

5 The dog come at me in a big charge. I've played
6 with dogs all my life. I went to grab the dog. By now, of
7 course, I have my hands out of my pocket. I went to grab
8 the dog. There was another officer I didn't know about on
9 my left side. Hit me with a club on the side of the head.
10 Now I'm dazed. I didn't know what the hell was going on
11 next. Pardon me; I didn't mean to swear.

12 As I'm standing like that, I'm kind of dazed. I
13 don't know if I was on my knees or standing up. I have no
14 idea. At least two more officers grabbed me. I didn't have
15 any idea what was going on. They started to pull my hands
16 back. I overpowered them.

17 Okay. At that stage, an officer standing behind
18 me -- I got this from the police captain -- pulled a
19 flashlight out of the back of his pocket and hit me over the
20 head with the flashlight. Okay. Then I guess I was
21 unconscious. They tied my hands to my feet and they
22 handcuffed me. Somewhere along in there, they beat me quite
23 nicely.

24 According to a brain surgeon last year, they
25 kicked me in the area of the temple repeatedly while I was
26 on the ground. That's called brain damage. Okay. That's

1 the system. That's not finished.

2 Now I woke up. I went to get up. I didn't know I
3 was handcuffed. I didn't know I was hog-tied. And I was on
4 my own place. I knew that. So I said, "I'm getting up
5 now." I thought: Well, maybe they'll figure it out this
6 time. I said, "I'm getting up now." With that, the same
7 guy that was the wise guy early on says, "Oh, no, you won't
8 and stomped on my back."

9 Someone else or him reached down, picked up my
10 head and bounced it off the pavement. I guess I was
11 supposed to cry or scream. I didn't. Then they took my
12 head and they rubbed it on the pavement like this to take
13 the skin off. Okay. That's done. Now the betting goes on
14 for a few seconds and stops.

15 Then they started asking questions. And the first
16 question he asked me was my name. Which, honest to God, I
17 couldn't remember my name, they had hit me in the head and
18 it didn't come up. All I could think of was a sheriff
19 deputy I was in the Marine Corps with and I said his name.
20 I said, I know John Schubert. And the wise guy again says,
21 "Never heard of him."

22 They kept kicking and they kept asking. And they
23 kept kicking in the area of the belt. Somebody hit me on
24 the left side of the back with a baton, somebody kicked me
25 on the back in the area of the kidney with such force it
26 left an imprint of the shoe. Four days later, you could see

1 it. Looked like they took a picture and stuck it on the
2 back.

3 MR. HERNANDEZ: Can I ask you to do the following,
4 and it's just because in the interest of time --

5 MR. McCARTER: I didn't hear what you said.

6 MR. HERNANDEZ: Could I ask you to please take
7 whatever statement you were going to make before this
8 Committee --

9 MR. McCARTER: All right; I'll finish it real
10 quick.

11 I went to the FBI, I went to the sheriff, I went
12 to the police department. The hole think was covered up.
13 The DA's Office cheated to get a conviction for resisting
14 arrest. That's all I have to say.

15 MR. HERNANDEZ: The next 10 people I'm going to
16 call forward is Phyllis Rosenfield, Isabel Huie, Claudia
17 Turner, John Hussey, Virginia Steele, Bill Stirnus and
18 Cindy Pilar, Thomas Twiddy. Are those people here?

19 Is Phyllis Rosenfield? Could she come forward.

20 PHYLLIS ROSENFELD: I'm Phyllis Rosenfield and
21 I --

22 MR. HERNANDEZ: I just want to remind the speakers
23 that when they finish, if they wouldn't mind just exiting so
24 we can get more people in.

25 MS. ROSENFELD: I'm Chair of the Sonoma County
26 Human Rights Commission and am representing them today.

1 The Sonoma County Commission on Human Rights was
2 established by the Sonoma County Board of Supervisors to
3 promote better human relations in Sonoma County. The
4 Commission on Human rights believes that healthy, cohesive
5 communities are built for the collaborative efforts of all
6 people. The Commission also believes that positive
7 constructive intergroup relations develop when all segments
8 of the community have a voice in government.

9 This takes enormous, often tedious, and difficult
10 effort to engage in authentic cooperative problem solving
11 and avoid interference -- excuse me. Avoid ineffective
12 adversarial procedures. Based on our experience working
13 with schools, community groups, law enforcement
14 professionals, and citizens at large the Commission believes
15 that it can be a bridge among diverse populations and a
16 neutral convenor for productive approaches to resolving
17 differences in our community.

18 Today this Human Rights Commission has conducted
19 public hearings on hate-motivated incidents and crimes that
20 resulted in the establishment of the Hate Crimes Prevention
21 Network. The network is a collaborative effort among the
22 Commission, law enforcement, and numerous community groups
23 who have responded to hate-motivated behavior in the county.
24 We have responded to complaints of discrimination at public
25 facilities by addressing issues related to staff
26 insensitivities.

1 We've also taken testimony and community input
2 regarding the INS raids. This is an ongoing issue that the
3 Commission is still working to address. We have provided
4 diversity education training for community groups and school
5 teams.

6 Last year the Commission on Human Rights created
7 an ad hoc committee to specifically address the issues of
8 community-police relations in the county. The Commission
9 made the decision, however, to wait until the FBI and the
10 U.S. Commission on Civil Rights completed their reports
11 before convening a local public forum.

12 On October 16th, 1997 our Commission on Human
13 Rights wrote to the U.S. Civil Rights Commission, Regional
14 Director Philip Montez, and asked him to keep us informed
15 regarding their investigation. We made this request so that
16 there would be duplication of effort required in public
17 forums. It is unfortunate that a collaborative effort
18 between the U.S. Commission and our own local Sonoma County
19 Human Rights Commission could not be established prior to
20 today's forum.

21 The Commission on Human Rights ad hoc committee
22 wants to create an ongoing dialogue that will arrive at
23 concrete ideas about how to improve the relationship between
24 law enforcement and the community. We believe it will be
25 the local agencies and organizations and each of us as
26 concerned citizens that will have the greatest impact in

1 creating the satisfying relationship between law enforcement
2 and the community.

3 We can continue to create a neutral, fair forum
4 that will ensure this very important process. It does not
5 have to end with this hearing.

6 The Commission on Human Rights of Sonoma County
7 meets on the fourth Monday of every month at the Permanent
8 and Resource Management Center; 255 Ventura Avenue. The
9 public is always invited to attend and bring concerns to the
10 Commission at any time.

11 For further information, you can contact our
12 organization at 527-2693.

13 MR. HERNANDEZ: Thank you very much. What I'm
14 going to do is call three people at a time. We have chairs.
15 So Isabel Huie? Is she there? Claudia Turner? Is Claudia
16 there? And John Hussey. The three chairs there.

17 Okay. Isabel Huie? Is that H-u-i?

18 ISABEL HUIE: H-u-i-e.

19 I'm a civil rights officer and Chinese for
20 Affirmative Action in San Francisco. And I am also a member
21 of the Justice for the Kao Family Coalition.

22 Questions that were always asked when the shooting
23 death of Mr. Kao was discussed were: Could the officer have
24 fired a warning shot or shoot him in the leg instead? These
25 questions were raised because even though most of us didn't
26 know Mr. Kao, we still value his life as a human being and a

1 family provider.

2 His death created a ground swell of outrage in
3 Asian communities throughout the Bay Area because Mr. Kao
4 was killed only because Officer Shields' perception was that
5 an Asian person waving a stick around must be using martial
6 arts, which the officer also presumed to be deadly, and
7 thereby Mr. Kao was shot.

8 Mr. Kao's civil rights were certainly violated.
9 Mr. Kao was drunk that night and there was no intention to
10 go out there and hurt or kill anyone.

11 The officer was cleared of this killing because he
12 followed correct procedures. Well, I think these correct
13 procedures should be revised and analyzed because these were
14 the very procedures that allowed eight other persons to be
15 killed under questionable circumstances in this community.

16 Therefore, I'm recommending that there be a
17 two-year action plan on police reform which includes
18 improved training and hiring be developed and implemented;
19 that local community groups be involved in the development
20 of this two-year plan; that a quarterly progress report be
21 presented to you, the Commission; and that federal funds be
22 withheld until there is concrete evidence that all players
23 are involved in the development and implementation of this
24 two-year plan.

25 MR. HERNANDEZ: Thank you very much.

26 MR. HERNANDEZ: Claudia Turner.

1 CLAUDIA TURNER: Hello. My name is Claudia
2 Turner, I'm a counselor from Santa Rosa Junior College and
3 I've been there since 1976. I'm shaking right now because
4 I'm a police abuse victim.

5 I believe in human rights, I believe in human
6 dignity, and I teach what's called self-actualization, which
7 means you can have your feelings and you can have your
8 thoughts and you can show your feelings and not be
9 considered strange.

10 October 19, '95 I'm in my back bedroom. It's
11 broad daylight, 10:30, sunny, hot. And all of a sudden,
12 there's three police officers skulking around my back bushes
13 at my back bedroom window. I live in a very small condo and
14 I could have easily have heard them at the front door and
15 they did not come to the front door. That was my first
16 contact with them.

17 I happen to know one of them. He dated me many
18 years back. I felt very afraid and very indignant that they
19 were at my back bedroom window. They said to me,
20 "Ms. Turner, can we talk to you?" Those were their exact
21 words. And I said, "No. Put it in writing." And there was
22 a witness at the back of the area where I live that heard me
23 say, "put it in writing."

24 So I went about my business. It was 10:30 in the
25 afternoon -- 10:30 in the morning after I had been hammering
26 up pictures all morning long in my new house, and I went

1 about taking a shower. And lo and behold, I'm in my shower
2 and an arm comes through and pulls me out of my shower,
3 throws me right on the floor, splatters blood, throws me on
4 my bed. I'm butt naked, and those three police officers
5 talked over my head for at least 15 minutes about where to
6 do the deed, where to take the body, what do we do with the
7 body; et cetera, et cetera. I had never heard "where to do
8 the deed" or any kind of language like.

9 They humiliating me and ended up laughing at me.
10 And at one point, one of the officers, Officer McKinney,
11 said to me, If you don't shut up, we're going to kill you
12 right now."

13 So this is what happens with Santa Rosa Police if
14 they consider you to be strange or different.

15 When I filed my police complaint, finally
16 investigators came. It was November 21st, '95. Well, the
17 two investigators that came, I also had another witness.
18 And I thought: Oh, boy! They're going to really hear my
19 story and they're going to investigate what's going on. So
20 we sit there for an hour, we hear the whole story, and
21 Mr. Terry Anderson and Mr. Rodell come into my back bedroom,
22 I show them the blood traces that were left in the bedroom.

23 They look at everything, they take every bit of
24 information from me, and when they left they said, "We were
25 here for a burglary report."

26 I did not hear anything directly after that

1 point. I got a letter in writing from Chief Rosano that
2 there was no police misconduct. I then went to the City
3 Manager, Ken Blackwell, I had counseled his daughter,
4 thinking that maybe he'd treat me as a real person, as a
5 real citizen. No, he did not. All he did was rubber stamp
6 the chief of police.

7 I contacted Sharon Wright over and over
8 repeatedly, thinking maybe a woman, maybe the city council
9 will listen to me. She never returned a call. Finally, one
10 city council member did hear me and he was so appalled he
11 didn't know what to do and he knew it was larger than what
12 he could do.

13 So I am left with -- I am now in the federal
14 courts. And I also got to watch the City Attorney take a
15 little card that I had received from the Santa Rosa Police
16 Department, remove the card, white it out and give it back,
17 because it would have shown that they had malintent when
18 they came to investigate my original complaint because it
19 was a burglary investigator and my complaint was about
20 sexual and excessive force.

21 MR. HERNANDEZ: Thank you very much.

22 MR. HERNANDEZ: I'd like to call to the table
23 Virginia Steele and Bill Stirnus.

24 Mr. Hussey, would you state your name for the
25 record and spell it.

26 JOHN HUSSEYN: It's just like Saddam.

1 MR. HERNANDEZ: Okay. John Hussey. Because I
2 had a "y" in here.

3 MR. HUSSEYN: That's correct, sir. It's a "y"
4 instead of an "I."

5 MR. HERNANDEZ: Okay. It's H-u-s-s-e-y-n. Is
6 that correct?

7 MR. HUSSEYN: That's correct.

8 MR. HERNANDEZ: Okay. Thank you.

9 MR. HUSSEYN: In our newly found millenium values,
10 restructuring of governmental organizations, including ATF,
11 IRS and FBI and others has occurred to accommodate a new set
12 of problems in our society. Positive measures have been
13 taken by the federal government, as evidenced by your
14 presence here today. To eliminate future Wacos, Ruby Ridge
15 and the Oklahoma bombings.

16 One sector of government that creates problems in
17 our society and has in the past and is still currently
18 deploying its destructive forces against our civil rights
19 and the rights of our children, our future, is the social
20 service system. It is time accountability has to be
21 established for their violations against human rights.

22 I'll only take a few moments of your time to open
23 up your minds and your hearts and how civil rights
24 violations in Sonoma County so profoundly affect the course
25 of our lives and the lives of our precious resource, our
26 children.

1 Georgia Moses' life within the confines of the
2 Sonoma County juvenile justice system is a pivotal example
3 of how our children, under the direction and care and
4 guidance of a misdirected social service system eventually
5 wind up. I have the article here to prove it.

6 There isn't anything that CPS and its enforcing
7 agency the Superior Court of California, Sonoma County,
8 under the direction of Arnold Rosenfield can add to explain
9 their shortsighted, irresponsible and child endangering
10 directions in caring for our children when their fragile
11 lives are somehow drawn into it as if they were being pulled
12 into a dark hole.

13 We would, as a society, believe the solution for
14 alternatives to prevent any other children, whether black,
15 Chinese, or Hispanic or even white are fervently pursued by
16 this system and appropriate checks and balances within the
17 system and have been properly and attentedly alerted to
18 prevent any more dead children.

19 MR. HERNANDEZ: Mr. Hussey, could you kind of
20 wind up your remarks. You're past your time.

21 MR. HUSSEYN: What I would like to say is that we,
22 as men, are not responsible for the mothers' under drug
23 influenced behavior. When the mothers take directions that
24 aren't proper for her children, the social service system
25 should cease incriminating us criminally as men because of
26 our genitalia that we are not capable of caring for our

1 children.

2 MR. HERNANDEZ: Okay. Thank you very much. We
3 have your statement for the record. Thank you very much.

4 Please. This is not a cheering section.

5 Virginia Steele. Bill Stirnus? Is he here?

6 Cindy Pilar.

7 Okay. Ms. Steele. Would you state your name for
8 the record, please.

9 VIRGINIA STEELE: I'm Virginia Steele, a retired
10 teacher of homebound and hospitalized children from Berkeley
11 who retired here in Santa Rosa. Bob McCarter, who just
12 spoke, remade a car, my mobile teaching station for me after
13 I came here. And that car was wrecked by another garage.

14 I'm going to talk out of both sides of my mouth
15 and I'll try to talk quickly. First, on behalf of the
16 decent, honorable, hard working police officers who work a
17 very hazardous job at times and they carry the double burden
18 of -- that comes from their fellow officers and supervisors
19 who are involved in wrongdoing.

20 An example of that would be the collusive
21 retaliation at a citizen who successfully protested a
22 ticket. Sharing of drugs that they pick up from arrests of
23 people. Single and collusive harassment, and many other
24 examples. That expresses my feelings for the police
25 officers.

26 Now for the citizens. There is really the subject

1 of what I'm speaking about. I came out of the South and the
2 pervasive fear that any black citizen had to live in and the
3 fear of white citizens who even dared to think of trying to
4 do something about it, it's unbelievable what this level of
5 fear is. And that's over those police officers who are
6 trying to do their best job. I left the South for some time
7 and then went back. I was in Mississippi in 1964 when the
8 three students were murdered.

9 MR. HERNANDEZ: Could you wind up your remarks
10 you're just about -- you're over time, actually.

11 MS. STEELE: All right. I took an affidavit from
12 a student, a black student I worked with who was handcuffed
13 and thrown into the back of a police car and his head
14 bloodied terribly. And the police officer said to another
15 one, as if he were getting validation of having passed a
16 requirement, "See. That's nigger blood there." He got
17 affirmation of that.

18 MR. HERNANDEZ: Okay. Could you wind up your
19 remarks now.

20 MS. STEELE: I told that after the Rodney King
21 over the national radio at one time. And I was asked,
22 "Well, that was then. What about now?" And I'm retired now
23 in Santa Rosa. And I have seen some terrible damage done to
24 people.

25 MR. HERNANDEZ: Okay. Could you take the rest of
26 your remarks in written form and provide them to us for the

1 record. Because I'm going to have to --

2 MS. STEELE: Fine. That is fair.

3 MR. HERNANDEZ: Yes.

4 Who is going first here?

5 BILL STIRNUS: I'm Bill Stirnus.

6 MR. HERNANDEZ: All right. Now, I just got word
7 that -- and I don't want anybody to get alarmed -- at 5:30,
8 the lights go out. And then they will turn them back on.

9 So what we'll do is we'll just communicate in the
10 dark. The Commission is used to that kind of stuff every
11 once in a while. There they go.

12 Okay. So we have Mr. Bill Stirnus. Mr. Stirnus?

13 MR. STIRNUS: Yes.

14 MR. HERNANDEZ: Please try to keep it within the
15 time limit.

16 MR. STIRNUS: I'll certainly do my best.

17 Cindy and I are administrators in the Santa Rosa
18 City School system. We serve 16,000 students, K-12, in the
19 City of Santa Rosa. Cindy and I, based on our 14 years of
20 administrative I've experience and working with the police
21 department, have put together a letter that Cindy will share
22 with you, signed by the administrators of Santa Rosa City
23 Schools.

24 CINDY PILAR: And it's very brief. We come before
25 you today as representatives of the Santa Rosa City Schools
26 to offer our strongest endorsement and support to our Sonoma

1 County police officers.

2 We cannot speak highly enough to the exceptional
3 support that they have shown our nearly 1,000 employees and
4 16,000 students over the past 15 years. In that time, we
5 have developed an outstanding communication system and close
6 working relationship that other Northern California cities
7 have sought to duplicate. Our regular monthly police school
8 meetings are often attended by other citys' agencies to see
9 if what we have can work for them.

10 It is well known that our community has
11 experienced a dramatic rise in gang activity and juvenile
12 crime over the last several years. Some of this activity
13 spills over into our schools. The police department has met
14 this challenge head on. They respond quickly to problems
15 that arise on our campuses in a decisive, professional and
16 appropriate fashion.

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

23 It's very easy to sit in the comfort of our homes,
24 sipping coffee, reading a version of the event in the
25 morning paper and passing judgment on those who are out
26 there doing their job. They do their jobs and they do them

1 better than we probably have a right to expect.

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

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

13 The administrators of the Santa Rosa City Schools
14 thank the Sonoma County police officers for a job well done.
15 We sincerely hope that our relationship currently exists and
16 we believe it is serving the city well.

17 There are two 22 elementary, middle and high
18 schools in the city and this letter is signed by
19 administrators from all of those schools as well as our
20 Superintendent of Schools and District Office personnel.

21 MR. HERNANDEZ: Okay. If you'll give me the
22 letter, we'll make sure that it is included in the record.

23 Thank you very much.

24 Let the record reflect that we have just received
25 a letter for inclusion in the record from the Santa Rosa
26 City Schools dated February 19, 1998; addressed to the

1 Honorable Members of the Civil Rights Commission.

2 Okay. I think we heard from Rabbi Robinson,
3 didn't we?

4 Okay. Now, next David Weaver, Steve Kim and
5 Daniel Loyal Garcia. Are those three members here?

6 Are you Mr. Garcia.

7 DANIEL LOYAL GARCIA: Yes, I am.

8 MR. HERNANDEZ: Okay. Is Steve Kim here?

9 Is Mr. Weaver here? David Weaver?

10 Is Mr. Louis Beary here?

11 LOUIS BEARY: Yes.

12 MR. HERNANDEZ: Please take a seat there,
13 Mr. Beary.

14 And is Mr. or Ms. -- I don't know if it's --
15 Chanthol Au? Not here?

16 Ms. Vicki Vidak-Martinez here. Is she here?
17 She's not? She is. Okay.

18 Then would you please state your name for the
19 record.

20 DANIEL LOYAL GARCIA: Yes. My name is Daniel
21 Garcia, Jr. I'm the nephew of Mark Garcia who was killed in
22 San Francisco by the San Francisco PD. I'm here in Sonoma
23 County to show the families down here -- Mrs. Kao, Kevin
24 Saunders mother and the other individuals that were killed
25 here officially cruelly by officers down here -- to let them
26 know that the Garcia family and myself is here to support

1 them.

2 And I also wanted to put on record that I feel
3 that it's very disrespectful, when I come into this room in
4 the morning and throughout the whole meeting is filled with
5 mostly cops. Okay. I feel that --

6 MR. HERNANDEZ: Please. Please.

7 MR. GARCIA: I feel that the people that should
8 have been let in here first is the families who lost their
9 loved ones.

10 MR. HERNANDEZ: Order, please.

11 MR. GARCIA: You ladies and gentlemen are the
12 Civil Rights Committee, okay? And these individuals who
13 lost their loved ones, their rights were violated. Okay?
14 So you should have heard from them first and not from any
15 professional. Because if anyone is a professional at police
16 brutality, it's families like me and the ones in this
17 county. All right?

18 Because we could tell you how it feels to
19 experience police brutality. I personally experienced it
20 myself other than losing my uncle. And that's only because
21 of the way I, dress because I'm wearing a Pendleton and
22 jeans and I have them down below my waist. So I get
23 harassed. I get threatened by officers anywhere I go. I
24 wouldn't doubt it, once I leave from this building, I'll
25 probably end up getting harassed. But you know what?
26 That's okay. It comes with the job. Because I'm not

1 shutting up. All right?

2 Because its easy for people to stay in their home
3 and say, "Well it ain't happening to me so I shouldn't have
4 to worry about it." Well, I got something to say to those
5 people, that sooner or later it will happen to you unless we
6 put a stop to it. Thank you.

7 MR. HERNANDEZ: Thank you very much.

8 Mr. Louis Beary. Could you state your name for
9 the record.

10 LOUIS BEARY: Sure. My name is Louis Beary. I'm
11 a former mayor and councilmen in the City of Rohnert Park.
12 I served eight years in that body.

13 In 1985, I lost a 17-year-old daughter under
14 mysterious circumstances in the City of Rohnert Park. The
15 police officers at the scene were friends of mine. The
16 chief of police came to me, assured me that everything would
17 be done properly, there would be a thorough investigation.
18 And the fact is that the police did not do their duty, did
19 not perform their investigation. They, in fact, covered up
20 what was an obvious murder and they called it a suicide.
21 That was 1985.

22 In 1986, I complained after realizing what the
23 chief had done, I complained to the city manager, nothing
24 was done. I hired a couple of investigators. They
25 substantiated what the police had arrived at and called it a
26 suicide.

1 In 1992, a couple of community activists from
2 Rohnert Park approached me about the corruption in
3 Rohnert Park and informing me that there were several other
4 mysterious deaths in the city of Rohnert Park. I once again
5 picked up the gauntlet to try and ascertain what the truth
6 was about my daughter's case.

7 In 1993, I had a blood splatter expert tell me
8 that it appeared my daughter's body had been moved. And he
9 said it was very suspicious that she wound up in the
10 position that she was in from where she must have been when
11 the shot was fired. And on and on and on.

12 Now, there have been other deaths in the City of
13 Rohnert Park that haven't been properly investigated. This
14 body may be the one to solve the problem there.

15 Now, on two different occasions, I tried to
16 address the city council. In 1993, they refused to allow me
17 to speak under unscheduled public appearances. I have
18 written a number of correspondences to the city to try and
19 get them to take some action. They refused.

20 In 1995, I had a case before the Ninth Circuit
21 Court of Appeals, was dismissed by the judge, telling me
22 that I was too late. I should have found out the facts of
23 the case sooner.

24 This year, when I went to again address the City
25 of Rohnert Park concerning the Kuan Kao shooting, I was told
26 by the vice-mayor that I can only say certain things; if I

1 said the wrong thing, I would be removed from the council
2 chambers. They had two police officers in the council
3 chambers because of my appearance. Thank you.

4 MR. HERNANDEZ: Thank you very much.

5 Vicki Vidak-Martinez. And then I'll also call
6 forward Claudia Turner, Cornelius Hall.

7 VICKI VIDAK-MARTINEZ: I'm Vicki Vidak-Martinez,
8 vice-mayor of the City of Rohnert Park. I'm speaking today
9 as an individual and not on behalf of the city council.

10 This forum originated to address issues raised by
11 an officer-involved shooting which was the first of its kind
12 in the history of our city. As you know, both the officer
13 and our public safety department have been exonerated by
14 four separate investigations into the incident.
15 Nevertheless, allegations continue.

16 One must wonder who benefits from them. Certainly
17 not our community. I strongly suspect that members and
18 associates of this panel have exploited the tragedy which
19 occurred in our town to further their own political
20 ambitions with blocks of voters outside of Sonoma County.
21 It's a cheap shot which leaves the impression that our
22 community is expendable and subordinates of the political
23 aspirations of those individuals.

24 Meetings and discussions around these incidents
25 have taken on the aspect of a witch hunt reminiscent of
26 McCarthyism. Your presence here clearly indicates a

1 judgment --

2 MR. HERNANDEZ: Please, please. Order. Order.

3 MS. VIDAK-MARTINEZ: -- of no confidence in our
4 Sheriff's Department, our District Attorney, the State
5 Attorney General, the FBI, and the United States Justice
6 Department. The facts are in but they don't seem to matter.

7 Sonoma County law enforcement has demonstrated its
8 responsibility, accountability and capacity for discipline
9 which has earned them little respect or acknowledgment from
10 this panel or from your selected community leaders.

11 We are assembled here today because in this great
12 nation, anyone can challenge government practices at any
13 time. Government stands accused and guilty until it can
14 prove itself innocent or adapt appropriately. Democracy
15 generally makes us stronger and better. Yet the process is
16 inherently painful.

17 Beyond the finger pointing, our common interest is
18 a shared desire to ensure sufficient physical and
19 psychological safety for all individuals in Sonoma County.
20 This is a complex task unfortunately made more difficult by
21 the present proceedings. Thank you.

22 MR. HERNANDEZ: Thank you very much for your
23 statement.

24 Mr. Hall, Cornelius Hall?

25 Is Ms. Claudia Turner in the audience? Oh, she
26 already spoke. Okay.

1 Mr. Walt Moreno, Kit Mariah. Are any of those in
2 the audience? Okay. Please come forward.

3 Please state your name for the record.

4 CORNELIUS HALL: Okay. I'm Cornelius Hall,
5 retired fire captain, Commission of Human Relations and
6 belonging to many police accountability groups.

7 And myself, like you, are here to help the people
8 because of the problems in police accountability. I'm not
9 anti-police, but I believe in accountable police in our
10 communities. When our people get killed, they're
11 criminalized instead of somebody coming to support them.
12 Like when a policeman is shot, they've got stress management
13 and so forth. Our families have nothing.

14 I lost a son. He was shot in the back of the
15 head. The families don't get reports from the police, they
16 can't get -- When they get reports from the DA, that's
17 verbatim police, and the DA is supposed to make an
18 investigation. And as with myself, I got a report from
19 the FBI that was three pages of white out. So that was
20 useless. It was useless.

21 Their policy of shoot to kill. And I was told one
22 time that when police train, they shoot -- they learn to
23 shoot at torsos. And that's what they do. They kill no
24 matter whether they see people with a gun or not.

25 I want to mention one thing here. I belong to a
26 lot of groups, national and local. I've got Internet sheets

1 here showing -- from Chicago police saying that I was in
2 Chicago on October 22nd. And it says this list is in
3 regards to the national day of protest to stop police
4 brutality. Yet, they came her on October 22nd to fan the
5 flames of racism. I'm on the Commission of Human Relations,
6 and that's not me. And it had me underlined in red.

7 Okay. And they got the whole list of us and this
8 list is going around. It's like a hit list of people who
9 are fighting against police brutality.

10 MR. HERNANDEZ: If you would like to, you can make
11 that a part of the record.

12 MR. HALL: I will.

13 MR. HERNANDEZ: Could you just wind up your
14 remarks because you're slightly over time.

15 MR. HALL: Okay. The increasing use of force --
16 and I notice the chief said today he was increasing the use
17 of force. But Mr. Kao didn't have that chance of increasing
18 use of force because within 34 seconds he was shot.

19 And that should be policy and it should be
20 enforced stringently by all police departments. So I think
21 that we should -- you here today should listen to the people
22 and tell them what we want. Because they're working for us.
23 We're not working for them, just as you're working for us.
24 Thank you.

25 MR. HERNANDEZ: Thank you very much.

26 I'll call forward Walt Moreno, Kit Mariah, and

1 Nancy Wang.

2 Is Walt Moreno here?

3 Is Kit Mariah here?

4 Okay. Is John Gurney here? Mr. Gurney is here?

5 All right, Ms. Mariah. Could you state your name
6 for the record.

7 KIT MARIAH: My name is Kit Mariah. Seven years
8 ago I participated in a Gulf War protest at the Federal
9 Building next door. And I went there with the intention of
10 doing civil disobedience, of getting arrested for my belief
11 of being against the war. I expected to be arrested. I
12 thought perhaps I even would have to go to jail.

13 What I did not anticipate is that I would be beat
14 up by the police. And I wasn't beat up by the police for
15 trespassing. I was beat up by the police because I have a
16 hidden disability. I have compound injuries to my back.
17 And when it was time to arrest me, I held my hands out in
18 front of me like this (indicating), and I said, "I'm a
19 person with an injured back. Will you please cuff me in
20 front and not in the back so you will not injure me."

21 That was construed as resisting arrest. I was
22 lifted off my feet and dangled in the air while my
23 shoulder -- as I was standing in the air, trying to get -- I
24 was in severe pain and trying to get out of pain. My left
25 foot grazed the pants leg of the police officer.

26 He took that as assaulting a police officer. I

1 was thrown to the floor. I was hurt further. I was
2 injured. I was very badly cuffed behind the back, so tight
3 that I have permanent injury to my hand. I have no feeling
4 here. My neck and shoulder, I've had treatment for ever
5 since.

6 I tried to complain at the time. At the time of
7 my arrest and shortly thereafter, I was given numbers at the
8 police department to call. I tried -- when I was booked, I
9 tried to complain. I was repeatedly told the same thing.
10 "Tell the judge."

11 In order to cover up his misconduct, I was charged
12 with four charges. Not just trespassing. I was charged
13 with resisting arrest, for blocking an entrance, and assault
14 on an officer. I lived with those false charges for a year
15 and a half. And finally, when I was ready to go to trial,
16 they decided to drop them.

17 I then pursued with a case against the City of
18 Santa Rosa, which finally came up four years after the
19 original incident. And I finally got to tell my story to
20 the judge, who I don't believe heard a word I said. Or
21 anybody else did there, either. At any rate, it was stacked
22 against me, I lost the case.

23 This has been a very difficult process for me.
24 I've spent \$20,000 in chiropractic care and psychiatric
25 care. I'm still afraid of the police. It has been very
26 difficult for me to be in this building with all these

1 police officers and the city attorney who crucified me in
2 this building all day, and I couldn't even come up here.

3 But I stayed and I waited to make my statement.
4 If I'm ever assaulted by the police again, no matter how
5 unjust it was, I would never take them to court, I would
6 never put myself through that process again.

7 As it is, I fear daily retaliation because I did
8 take them to court. I'm afraid of getting stopped in
9 traffic or stopped for some thing I didn't do or some minor
10 thing I might have did. Because I'm afraid if they put my
11 name up see I had a suit against the city, then something
12 worse will happen to me than what happened to me the first
13 time. And they know I'm not going to do anything about it
14 this time.

15 Three months before this officer assaulted me, he
16 shot an unarmed man and killed him. He shot him 12 times.
17 One month after he assaulted me, I witnessed him assault
18 another protester at a demonstration. She never filed
19 complaints; her story was never told. He stood there and
20 hit her and hit her and hit her again with the club and all
21 she was doing was holding a line.

22 The police had set a line and said, "Do not pass
23 this line," and she was standing at that line. But then
24 they decided they wanted to go back behind that line and so
25 they started hitting them to move them back behind the line
26 that they had set.

1 In the last year, that same officer has shot
2 another person. A person who was attempting suicide. And
3 that's what they do to you when somebody tries to attempt
4 suicide, they shoot them. They call it suicide by police
5 officer.

6 MR. HERNANDEZ: I'm sorry to interrupt you but
7 you're way over your time. So what I'm going to do is I'm
8 going to ask you to make these remarks in a written form and
9 give them to us, you have 30 days, so that this could be
10 part of the written record. It will be recorded officially
11 by our --

12 MS. MARIAH: The paper I filled out said we have
13 10 days. Do we really have 30 days?

14 MR. HERNANDEZ: Well, the record is open for 30
15 days. Okay? The record will be open for 30 days.

16 MS. MARIAH: I'd just like to make one last
17 statement and that is if I were left for dead in the city
18 streets of Santa Rosa in the middle of the night and the
19 only person available to reach out to was a Santa Rosa
20 Police Department officer, I would use what energy I had
21 left to crawl under a car to hide from him. I wouldn't call
22 on him for help.

23 MR. HERNANDEZ: Thank you very much.

24 Nancy Wang.

25 NANCY WANG: Thank you, Mr. Commissioner. My name
26 is Nancy Wang and I'm the president --

1 MR. HERNANDEZ: It's "Wong," not --

2 MS. WANG: It's "Wong" with an "A."

3 MR. HERNANDEZ: With an "A." Okay.

4 MS. WANG: I'm the president of the Redwood Empire
5 Chinese Association and this is the only Chinese association
6 in Sonoma County. But I want to make this on the record
7 because all of the media never put out the association is a
8 501(c)(3) nonprofit educational association in Sonoma
9 County. We work close with the Sonoma Education Department,
10 we provide cultural programs, language school open for all
11 of the public participation. I want to make that clear. We
12 are not activists. We are not going after the law
13 enforcement.

14 Because of the incident on April 29, 1997, Kuan
15 Chung Kao got killed we feel violated human rights with
16 Mr. Kao. The officer was the second officer who arrived on
17 the scene, and he did get -- I went to all of the press
18 releases, and I listened to all the 9-1-1 tapes, I
19 participate in everything. The second officer was being
20 told, "Stay in your car. Code 3." That's more backup. And
21 he didn't stay in his car. He got out of the car. Somehow
22 they were counting 34 seconds; I was counting about 30
23 seconds. And he opened fire.

24 And in that time, Mr. Kao was intoxicated, was
25 drunk. No one was dangerous. It was so easy. Mrs. Kao was
26 planning on herself, if she just grabbed that stick away

1 from him, and her three children still have the father today
2 and she still can have her husband alive. With five and a
3 half years old daughter standing upstairs, watching her own
4 father shot by the police, lay on their driveway, with a
5 handcuff behind the back.

6 And at that time they shot him, the wife was
7 screaming, yelling, begging to help Mr. Kao because he's
8 still breathing. They didn't give him any medical attention
9 until the paramedics arrived 10 to 12 minutes. They say
10 they don't know that Mrs. Kao was a registered nurse.
11 Everybody can do. That even I can do CPR.

12 If all of these things happened, we don't feel --
13 I think law enforcement, before this, say he only got 34
14 seconds, he never had a chance to decide. He had a
15 split-second decision. I think that this officer, he
16 created his own problem. If he stayed in the car until more
17 backup arrived, maybe they can save Mr. Kao's life instead
18 of death. They left 14-month-old twin boys with five-and-a-
19 half-year-old daughter.

20 And we do have the press packet to send to the
21 Commission to let you know how they feel Mrs. Kao was
22 dealing since almost one year right now.

23 I want to make it really clear we are not
24 activists. We just feel they really violated human rights
25 and civil rights, Mr. Kao's rights.

26 MR. HERNANDEZ: Thank you very much.

1 MS. WANG: Thank you.

2 MR. HERNANDEZ: Okay. I'd like to also call
3 forward Charla Greene and Estelle Townsend. Are you in the
4 audience?

5 Okay. Take the chair.

6 Is Charla Greene here? Okay.

7 MR. HERNANDEZ: And is this Mr. John Gurney?

8 JOHN GURNEY: Yes, it is.

9 MR. HERNANDEZ: Would you state your name for the
10 record, please.

11 MR. GURNEY: My name is John Gurney, G-u-r-n-e-y,
12 Chief of Police for the City of Sonoma.

13 I'm here today to represent not only my law
14 enforcement agency but the City of Sonoma. Wednesday
15 evening, the city council discussed your hearings and had
16 drafted a letter that I will present to you for the record.
17 And I will share with you just a couple of excerpts, if I
18 may.

19 MR. HERNANDEZ: Please.

20 MR. GURNEY: I want to ask the Commission to be
21 aware of the fact that you've heard a lot of testimony
22 today, as have I, and I would encourage you to go into the
23 communities and search out the truth. I believe that and I
24 speak, certainly, on behalf of the City of Sonoma, I believe
25 that we have excellent dialogue with our community. We meet
26 in open forum. The police chief is accessible. And

1 certainly, the city council members are accessible.

2 And so what you've heard here today may not be
3 indicative of all of Sonoma County, and I want to stress
4 that and encourage you to really explore.

5 In my experience as a law enforcement
6 professional, the law enforcement community in Sonoma County
7 is excellent and I can sit here and say to you that -- with
8 comfort, that my colleagues are equally as accessible and
9 concerned about the professionalism and the work that they
10 do in providing public safety services to Sonoma County.

11 The mayor writes to you with the consent of all
12 five city council members -- or four city council members
13 that on behalf of the City of Sonoma and my colleagues on
14 the city council, we welcome the Commission's presence and
15 look forward to participating in this public hearing.
16 Although it's a minute.

17 The one paragraph that I will share with you is
18 that the measure of the genuine desire to cooperate and
19 participate with citizen inquiry has been placed before you
20 in the letter that I will present. Please afford all of us
21 citizens of Sonoma County your very best efforts and
22 objectively, consistently and fairly reviewing all input
23 from our community. Then if you find that you can provide
24 constructive guidance to support our ongoing efforts, please
25 do so.

26 Thank you very much.

1 MR. HERNANDEZ: Thank you.

2 Let the record show we'll have a letter from the
3 City of Sonoma directed to Mr. Phillip Montez, Director of
4 the Western Regional Field Office, dated February 18, 1998.

5 MR. HERNANDEZ: Charla Greene?

6 CHARLA GREENE: I'm Charla Greene, and I just
7 want to make a very quick comment. I was here at the first
8 part of the session when you introduced the concern address
9 of the Commission to bridge the gap of the polarity of
10 community concerns versus the police action that they
11 consider appropriate.

12 Today I feel that we saw an example of this versus
13 mentality when, after the first session, the Commission
14 requested several times that the room be cleared and one
15 half of the room sat there as if this request did not apply
16 to them. That half was the group with the yellow buttons.
17 The police and their supporters.

18 Their actions spoke louder than any words that
19 have been said about the attitudes of the police department
20 towards the community they are supposed to be interacting
21 with. It is a disregard for a request even from this
22 Commission to show consideration for the general public that
23 was waiting downstairs to attend this hearing, also.

24 I notice now that they have left, again exhibiting
25 their level of interest in community concerns because now
26 the community has been allowed up here to speak.

1 I'm hoping this will make it obvious that these
2 questions have to be taken to a higher authority that has
3 more power than to make mere recommendations. Because these
4 recommendations will be treated in the same way. They will
5 be ignored.

6 Thank you.

7 MR. HERNANDEZ: Estelle Townsend?

8 ESTELLE TOWNSEND: Yes. My name is Estelle
9 Townsend, and I'm 73 years old. And I'm sorry to say, I got
10 picked up for drunk driving. And while in the jail, a
11 deputy lady was talking to me and she asked me some silly --
12 to me, they were just things I didn't want to hear. Like,
13 "Are you a drug addict?" And are you a this and that. And
14 I answered "yes" to all of them it irated me so bad, no
15 matter how under the influence I might have been.

16 And so I crossed my legs and sat there and she
17 took my hand and knocked it off and said, "Put your leg
18 down." So I sat there. And so she says, "We've got a
19 violent one over here." Two big deputy cops, sheriffs,
20 huge -- one was huge, the other one wasn't quite as huge as
21 the other one. And came in and jerked me off of my seat. I
22 was handcuffed. Slammed me against the wall, hit me on this
23 side. My shoulders now, I can't sleep on either side of me
24 for very long. They hurt. And this was the 3rd of January
25 and it's still painful.

26 And just mainly I'm here because of my age and I'm

1 going to tell this Commission and anybody listening that
2 when they tell you that the police, that the sheriff, is
3 violent and treating in a brutal way, you better believe
4 it. If they can treat me the way they did, think of what
5 the young kids and girls and boys that make a mistake end up
6 there. And that's why I'm here, on their behalf. Because
7 when they get in trouble, they need help. They don't need
8 to be abused in there and get killed.

9 MR. HERNANDEZ: Thank you very much.

10 MR. HERNANDEZ: Was that January 3rd of this year?

11 MS. TOWNSEND: Yes, sir.

12 MR. HERNANDEZ: Please come forward. Cathy
13 Harvey, Sean Jones and Wayne Griffith.

14 Cathy Harvey?

15 CATHY HARVEY: Yes.

16 MR. HERNANDEZ: Would you state your name for the
17 record, please.

18 MS. HARVEY: Good evening. My name is Cathy
19 Harvey. I am the mayor of the City of Healdsburg and I've
20 been on that city council for -- I'm in my sixth year. I
21 also spent more than five years on the board of directors
22 for the Redwood Empire Municipal Insurance Fund. And my
23 husband teaches defensive tactics to three agencies in
24 Sonoma County.

25 I'm not here to represent any organization, just
26 myself. And I wanted you to know that I have that

1 background so that you can appreciate the fact that I am
2 coming from an informed position.

3 There were two things I wanted to accomplish by
4 being here today, and I have been here all day with only
5 breakfast, without taking much of a break at all because
6 what you had to listen to today is important to me. As it
7 is to other elected officials, and I will be reporting back
8 to my council.

9 I wanted to listen to all sides of the story and
10 they certainly have been presented here today, and I thank
11 you for the opportunity of providing the forum so I could do
12 that.

13 I'm also here today, as can see by the yellow
14 button, to provide support to the law enforcement community
15 in Sonoma County. I believe that our policies, practices
16 and positions are well written, well followed, and certainly
17 not set in stone. I'd like you to remember that they are
18 fluid and they do commonly get changed to reflect the
19 community sentiment and wishes. They're ever evolving and
20 they will always be that way.

21 It would not surprise me to find that many of the
22 things that I've heard here today and many of the chiefs
23 have been here today are furiously taking notes here today
24 will be implemented as a part of their department policy.

25 And I want you to remember that not every officer
26 is going to pull out a gun and shoot somebody at every

1 opportunity. My husband, on duty, was in a position where
2 he was at threat of losing his life. Fortunately, it ended
3 with minor injuries to the man that he had chased down and
4 arrested, and my husband was not killed.

5 I won't go into the details because you only have
6 a minute, but I want you to know that I also come from that
7 perspective. And had he been in the position where he had
8 to do harm to another human being, it would have been
9 devastating not only to him but our entire family and our
10 family and friends. And that nobody takes that
11 responsibility lightly and nobody takes it as an opportunity
12 to do harm to another human being. So please keep in mind
13 that there are two sides to every story.

14 And thank you very much.

15 MR. HERNANDEZ: Thank you very much.

16 Sean Jones. Please state your name for the
17 record.

18 SEAN JONES: My name is Sean Jones, and I just
19 want to say, you know, from what I've seen between police
20 and community relations, is daily harassment for anyone on
21 the street over anything. You know, be it youth or hassle
22 people or, you know, any minority groups of any type or
23 whatever, the police kind of just go around and do whatever
24 they want and harass people pretty much for nothing, show no
25 respect at all to anybody for anything.

26 One incident I'd like to cite that was

1 particularly disturbing was a couple of years ago. I came
2 out -- I was alerted because I seen on my bedroom wall there
3 this light going up and down the wall there. And I come out
4 to see what it was, and these cops have these guys
5 handcuffed on the ground in this, like, causeway for water
6 to go down, beating them with flashlights, kicking them in
7 the head, these two kids, about 20 or 19. And I go up and I
8 ask for some badge numbers because I want to check this out
9 and see what's going on here. And they threaten me with
10 arrest, and started pushing me back.

11 And so you know, these guys that's kind of my
12 perspective on community-police relations. They're not --
13 the only community that they're a part of is a community of
14 cops and other upper class folks. And that's basically
15 their whole community they have. They don't work with other
16 folks in working class families, they don't have anything to
17 do with and of the people that they're supposed to be
18 policing.

19 They just go into these neighborhoods and do what
20 they want to do, and they don't have to answer for it in any
21 way at all. They're just not a part, they're a separate
22 part of the world. And they come down and do their thing
23 and go back to whatever their community of rich cops is or
24 wherever and, you know, review themselves or whatever.

25 I don't know what they're doing but it's causing a
26 lot of harm to a lot of people that aren't in their little

1 clique. And so that's my view of police-community
2 relations. I think a citizen review board would be fucking
3 brilliant.

4 MR. HERNANDEZ: Thank you very much.

5 Wayne Griffith.

6 Just a second, Mr. Griffith. I'd like to call
7 forward Ralph O'Connell and Sherryl Nives.

8 WAYNE GRIFFITH: My name is Wayne Griffith,
9 coming from pretty much the same place that the last young
10 gentleman came from here. This is what I grew up with, you
11 know, around this community, being one of the people that
12 hung around, having things to do wasn't -- you know, hey,
13 we're teenagers; we're out there having fun. We grow up,
14 but, you know, our reputations follow us.

15 I'm not condoning everybody in the police
16 community, and I'd like to thank those who have respected my
17 civil rights over the years. And I'm just saying that we
18 need to take a look at those who do not look at our rights
19 as individuals and respect our personal liberties and our
20 freedoms here.

21 My mother was a clerk at the DMV. And one time
22 during my youth I was arrested for driving on a suspended
23 license. She was a clerk in the driver's license
24 department. She came to the Santa Rosa Police Department
25 and -- with a printout from the State from that day,
26 stating -- you know, showing that my license was not

1 suspended. There was no hold, no actions. It was
2 completely valid. But yet, I was still being held on a --
3 for driving on a suspended.

4 Anyway, my mother was asked to leave the premises
5 because, you know, she was standing up for my rights, and
6 was subsequently arrested for trespassing on public property
7 where she was jumped by several police officers. And much
8 like the little old lady that was up here before you earlier
9 was brutalized and subsequently has had physical problems
10 for the rest of her life.

11 My mother was an outspoken person, to say the
12 least. She passed away last year.

13 But I do have all those things on record from her
14 arrest and to her release. She was subsequently released
15 with no charges after they discovered that she was a
16 diabetic. Needless to say, my mother was a frail, old woman
17 and was very small and -- for her size and could have been
18 easily subdued by even one police officer. The need for,
19 you know, the abuse on her was way out of proportion.

20 And looking back on my own life and worrying about
21 me and my safety in this community, I fear the police in
22 this community far more than I fear any of the public.
23 Primarily because of the abuse that I have encountered and
24 have incurred by subsequent police officers in this
25 community.

26 So thank you very much for hearing me. And if

1 anybody is interested in paperwork, I have it.

2 MR. HERNANDEZ: Well, if you would like to submit
3 it, you can send it to us and it will be made part of the
4 record.

5 MR. GRIFFITH: Thank you very much.

6 MR. HERNANDEZ: Thank you.

7 Mr. Ralph O'Connell? Is that you?

8 RALPH O'CONNELL: Yeah, right here.

9 MR. HERNANDEZ: Would you state your name for the
10 record.

11 MR. O'CONNELL: My name is Ralph O'Connell; I'm a
12 resident of the Roseland area. And first off, I would say
13 that the way this hearing was conducted was not part of a
14 public hearing; it was a selective hearing. I'm here today
15 to talk about an incident that happened two weeks ago
16 tonight. It's left me devastated. I walked away from this
17 quite shaken and fearing the police and their ability to
18 react in stressful situations.

19 A neighbor committed suicide and I was over there
20 helping two elderly women when I was confronted by deputies
21 with guns drawn and pointed directly at my head. As I tried
22 to talk to the officers and explain the situation, I was
23 totally blown off and frisked, told I was suspect in a
24 shooting. This is reality.

25 After the situation was assessed and they frisked
26 me and they told me I was a suspect in the shooting, they

1 went into the house and found that everything I had said was
2 true.

3 My fear of the police and their lack of ability to
4 process at a time of need is so deep, I'm now going to need
5 therapy because of it. I have lots -- I have communicated
6 with many police officers before and was able to communicate
7 with them. But at this point, these guys were locked and
8 loaded and ready to fire on a suicide call.

9 I'm also amazed at the callousness and the lack of
10 compassion that the officers showed towards the victims of
11 the situation. I asked for a total of four hours to see
12 someone about the trauma and to get some help for the
13 victims of it. I was pretty much shunned that night. And
14 when the officers were leaving, they gave me the number to
15 the hospice. In a county this size I find that not
16 acceptable.

17 I love my country but I fear my police state.

18 Thank you.

19 MR. HERNANDEZ: Thank you very much.

20 I'd like to call forward Ms. Barbara Londerville
21 R.D. Wishard.

22 Are you Sherryl Nives?

23 SHERRYL NIVES: Yes.

24 MR. HERNANDEZ: Could you state your name for the
25 record, please.

26 MS. NIVES: I'm Sherryl Nives. Before

1 February 6th of this year, I had the same opinion of the
2 sheriffs and police that most of the public has. One of
3 trust, respect and safety. I am now more afraid of my local
4 sheriffs than I am of anybody in my neighborhood. Here's
5 what happened that shattered my belief.

6 On the evening of February 6th, my next-door
7 neighbor committed suicide. His mother came running over,
8 screaming for help. My husband ran back with her and I
9 called 9-1-1. The next thing I know, there's a loud knock
10 at the door, the door is thrown open, and two sheriffs with
11 guns drawn are coming in.

12 I said, "It's not here. It's next door." They
13 asked, "Where next door?" These deputies seemed so stressed
14 and worked up that they couldn't comprehend what "next door"
15 meant. Furthermore, the neighbor's address is clearly
16 marked.

17 As the deputies are walking away with guns in
18 hand, I said, "This is a peaceful situation." I find out
19 later that they put guns to my husband's head and told him
20 he was a suspect. A suspect for what? Helping two
21 hysterical women coping with a very intense tragedy?

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

26 I have now had direct contact with our local

1 sheriffs under an emergency situation, and I come away
2 shocked, appalled, and the worst part is I'm now afraid of
3 these people, especially in a stressful situation, which is
4 when I should be able to rely on them the most.

5 What I want to know is what happened to our local
6 law enforcement's sense of good judgment? Thank you.

7 MR. HERNANDEZ: Thank you very much.

8 Barbara Londerville.

9 And then also come forward R.D. Wishard and
10 Barbara Trejo. Is Ms. Trejo here? Ms. Trejo is not here?
11 Is Toni MacDonald here. Okay.

12 Yes, ma'am. Please state your name for the
13 record.

14 BARBARA LONDERVILLE: My name is Barbara
15 Londerville. We have lived in Sonoma County in a retirement
16 community for the last 10 years.

17 I work as a volunteer at the Santa Rosa police
18 station and have been for the past 10 months. I graduated
19 from the third citizen police academy. I have worked and
20 spoken to many of our police officers and their employees.
21 I have seen only dedication to their work with the
22 community.

23 They're courteous, intelligent and knowledgeable
24 about their jobs. I have never seen any evidence of racial
25 discrimination or heard any racial slurs, jokes or remarks.
26 I have never heard or seen any police officer advocate the

1 use of excessive force.

2 Any officer I have ever spoken to about this would
3 rather never have to use a gun or never have to use force.
4 An officer every day, when he goes out on patrol, can
5 encounter anything. Child abuse, domestic violence,
6 accidents, public intoxication, fights, and personal
7 attacks. This is not an easy and safe job.

8 I have seen and experienced the extensive training
9 that a candidate must experience before he's even considered
10 to be a police officer and a trainee. I know of no other
11 job that has an 18-month probation period during which your
12 trainee is under constant supervision by a training officer,
13 his fellow officers, and all of the supervisors. It is a
14 constant thing and the training continues throughout an
15 officer's life.

16 I have seen community policing at work in some of
17 our troubled communities and I have seen it work. Some of
18 these communities are still troubled but they're better than
19 they were before. Some of this improvement is due to the
20 dedicated work by our police officers. Many of our police
21 officers give many hours of their time on their own time.

22 We, as a community, need to help and work with our
23 law enforcement agencies. Many of us are the silent
24 majority, and I'm afraid my husband and I are one of them.
25 Not any longer. I intend to ask all of our friends and
26 neighbors whom I know support our police officers to write

1 to you and you will be hearing from them.

2 Thank you very much for listening to me.

3 MR. HERNANDEZ: We look forward to that. Thank
4 you very much.

5 Yes, sir. Please state your name for the record.

6 R.D. WISHARD: Yes. My name is Bob Wishard and I
7 am founder and past president of the Juilliard Park
8 Neighborhood Watch Association.

9 It has been four years since our beginning. Since
10 that time, we have dealt very closely with the officers,
11 cavalry, patrolmen of the Santa Rosa Police Department.
12 With very few exceptions, it has been a period of time which
13 has been marked with many successes.

14 Every meeting we hold is attended by a sergeant or
15 patrolman from our zone. We have found the officers of our
16 watch area to be attentive and sensitive to our needs as a
17 neighborhood in transition. As with many inner city
18 neighborhoods, and we are just adjacent to this downtown
19 area, absentee landlords posed a problem. The SRPD helped
20 us to reach these people so they could make a concerted
21 effort in clearing the area of drugs and prostitution.

22 I can't take your time today to list all of the
23 achievements that we have brought about. But suffice it to
24 say that the goals of the Santa Rosa Police Department and
25 our Neighborhood Watch are one and the same. It is our
26 feeling that the officers of the SRPD receive the training

1 that is necessary for them to survive. Our streets are not
2 the safest, so the officer have taught us how to spot
3 suspicious activities and how to act on the individual
4 situations as they arise.

5 Recently we've seen an influx of new, young
6 families buying homes in the area, and this is a great sign
7 for the future.

8 Recently there was a shooting in our area that
9 resulted in the death of the suspect and the wounding of an
10 officer. If that officer had not acted with total
11 commitment, we feel that the gunman would surely have made
12 it farther into our neighborhood. And I can only guess what
13 might have happened.

14 Although we only cover eight square blocks of the
15 downtown area, that takes in 146 homes and 31 businesses.
16 Since the police and the Watch started working together,
17 statistical crime spikes have dropped across the board.
18 Lower crime in every category is good for the community.

19 I need to take this time to tell you that the
20 Watch completely supports the SRPD and their ongoing system
21 of officer training. Without these dedicated men and women,
22 we would not have been able to rebuild this neighborhood.

23 And I can only extend to the people that stand as
24 parties on both sides of the policy question something that
25 helped us in establishing our Watch. You cannot shake hands
26 with a clenched fist. Thank you.

1 MR. HERNANDEZ: Thank you very much. We
2 appreciate those remarks.

3 Mrs. Barbara Trejo.

4 TONI MacDONALD: She's not here.

5 MR. HERNANDEZ: What's your name?

6 MS. MacDONALD: Toni MacDonald?

7 MR. HERNANDEZ: Okay, Ms. MacDonald.

8 MS. MacDONALD: I'm vice-president of COPS,
9 Concerned Police Survivors.

10 One statement that was mentioned here, shoot to
11 kill really strikes home with my husband and I, but not on
12 the part of the policemen. When a person pulls a gun on a
13 police officer or anyone else, they are there to shoot and
14 kill. Our son was a police officer, 24 years old. He and
15 his partner both were shot five times for making a routine
16 traffic stop.

17 I cannot stress enough what has been said about
18 the officers. When they go out in the morning, they have no
19 idea if they're going to come home. A lot of them don't.
20 We lose too many police officer every year. I have the most
21 respect for all of the officers in every town, anywhere
22 around. They go out there, they put their lives on the line
23 to protect the citizens. There are some bad ones. There's
24 bad people in every line of work. You just can't say it's
25 just the policemen. They're not. Most of the majority are
26 good and I think they do a great job. Thank you.

1 MR. HERNANDEZ: Thank you very much.

2 I'd like to tall forward Michael Viloría, Lisa
3 Banayat, and Patrick Parks. Are any of those people here?

4 Is Jan Westphal here? Is Russell Jorgensen here?

5 Mr. Jorgenson, would you come forward.

6 Is Irene Hoener here? Ms. Hoener, would you come
7 forward.

8 Is Virginia McCullough here? Please come forward.

9 MR. HERNANDEZ: And state your name for the
10 record, please.

11 RUSSELL JORGENSEN: My name -- Was I first called?

12 MR. HERNANDEZ: Yes.

13 MR. JORGENSEN: My name is Russell Jorgensen; I
14 live here in Santa Rosa.

15 First of all, I'd like to be associated with the
16 remarks that Kit Mariah made when she sat over here and was
17 telling you about her experience at the Federal Building
18 seven years ago. I found her remarks to be, to the best of
19 my knowledge, accurate and honest.

20 But I want to tell you about an experience I had.
21 I was arrested along with the Father Bill O'Connor from
22 Berkeley. And on our way to the enclosure where we were to
23 be held, we were handcuffed together, my right arm to his
24 left, the cop on -- the policeman on the right and the
25 policemen on the left put thumb holds on us and some kind of
26 leverage on our forearms. There was no incident going. The

1 reverend did not stumble or show any sign of resistance. I
2 felt nothing. We were in pain but not extraordinary.

3 When he arrived at the enclosure with me, his arm
4 was broken. We had conducted ourselves identically. His
5 arm was broken.

6 My criminal career at this time began with Martin
7 Luther King. And my wife and I were given six months and
8 sentenced to go to Parchman Prison, which was the
9 San Quentin of the south. Only eight years later, six or
10 eight years later, did the prison give up hanging persons
11 who they wanted to correct by their thumbs. We occupied a
12 fourth of all of the cells. The Freedom Riders.

13 I want to say to this panel that I can only
14 remember four instances in which I was abused. Not at
15 Parchman. In other words, the behavior, despite the stress
16 and -- that I helped cause to police officers, the conduct
17 to me was usually exemplary. But there were four. And one
18 of them was not here, although there was excessive pain in
19 the Federal Building after the arrest.

20 So I'm concerned, as many, I'm sure, are here,
21 perhaps all of us, about the survivors. And I have a simple
22 proposal. It's very brief, and I have copies for the
23 panel. And I appreciate your hearing it. I will take this
24 to an organization, the Center for Peace and Justice to see
25 if they'd like to support it and I'd be happy to have other
26 organizations or persons come forward.

1 MR. HERNANDEZ: Could you just summarize it for us
2 so that --

3 MR. JORGENSEN: It's very brief.

4 MR. HERNANDEZ: Okay.

5 MR. JORGENSEN: In respect for all. Whenever a
6 Sonoma County officer of the law is allegedly killed by a
7 civilian or whenever a Sonoma County civilian is allegedly
8 killed by an officer of the law, then a vigil of remorse
9 will be held for one hour at Santa Rosa's Courthouse Square
10 at 8:00 p.m. on the third evening following the death. Let
11 us all come together as a community in grief to comfort one
12 another and to begin the healing. Thank you.

13 MR. HERNANDEZ: That's a wonderful proposal.
14 Thank you very much.

15 Irene Hoener.

16 IRENE HOENER: My name is Irene Hoener and --

17 MR. HERNANDEZ: I'm sorry. Is it H-o-e-n-e-r? Is
18 that correct?

19 MS. HOENER: Yes. I've been a resident of Sonoma
20 County since 1988. Three weeks ago I saw the Stolen Lives
21 Memorial which was dedicated to people who have been killed
22 by law enforcement officers or have died while in police
23 custody.

24 At that time the last date memorialized for this
25 North Bay Area was June 4th, 1997. My name could have
26 easily have been the next in line because on July 9th, 1997

1 I tried to commit suicide and somehow ended up having a
2 two-hour standoff with deputies from the Sonoma County
3 Sheriff's Department.

4 At the time, I was obviously emotionally troubled,
5 despondent and severely depressed over recent sexual abuse
6 and child abuse of my son by my husband, Detective Ed Hoener
7 of the Sonoma County Sheriff's Department Domestic Violence
8 and Sexual Assault Unit.

9 I filed complaints with criminal, administrative
10 and internal divisions of the Sheriff's Department. I've
11 been scoffed at and literally swept under the rug by this
12 department. This is purely a case of the good old boys
13 taking care of their own.

14 Upon resolution of my ordeal that day, the
15 department saw fit to incarcerate me. Not for just a few
16 hours or a few days, but for four months. I was in
17 desperate need of legal and psychological help. Legal
18 counsel was withheld from me for the first six days. I
19 sought and demanded psychological counseling from day one
20 and denied time and time again.

21 Without psychological help and support, I
22 continued my downward spiral of despondency. I was met with
23 resistance, arrogance, and condescension by the Sheriff's
24 Department. These attitudes were not helpful. Especially
25 to someone who had just be through a major traumatic event.

26 Common sense dictates that mental health needs

1 such as mine don't go unaddressed. Ignoring such needs is
2 inappropriate, ineffective, dangerous and negligent.

3 Proof of this is the fact that I was still
4 attempting suicide while under the so-called watchful eye of
5 this department.

6 In September of '97 a court order was issued for
7 my transfer from the jail to the local mental health
8 facility where I could maybe get some help. The Sheriff's
9 Department ignored the order, kept me jailed and isolated
10 until I was eventually released five weeks later.

11 There is no excuse for such mistreatment. This is
12 not the Dark Ages. And it's high time that department wake
13 up and smell the pepper spray.

14 Inmates need and deserve better mental health
15 care and intervention. Without it, lives are jeopardized
16 and civil lawsuits are likely.

17 In closing, I want you to know that I have a very
18 unique perspective. And I don't mean being inside and
19 outside of jail. Because for the past 13 years I have
20 worked for City, County and State law enforcement agencies.
21 I know the policies. I know the procedures. And
22 unfortunately, I know the attitudes as well. All are in
23 need of prompt and serious revision.

24 Thank you.

25 MR. HERNANDEZ: Thank you.

26 Virginia McCullough.

1 VIRGINIA McCULLOUGH: My name is Virginia
2 McCullough; I live in Alameda County. I'm a freelance
3 journalist, a radio talk show personality, and I'm in
4 possession of the largest library on political
5 assassination,
6 private library, in the world. The (inaudible) library. I'm
7 the custodian there for.

8 I came up here three years ago to begin to look at
9 three specific cases of tremendous abuse of women by the
10 Sonoma County law enforcement, but more importantly by Child
11 Protective Services and the Sonoma County court system.

12 The first case that I looked at I was requested by
13 a daughter of a woman that had committed suicide by fire on
14 her exhusband's front lawn. We haven't seen that type of a
15 suicide since the days of the Vietnam War, when the monks
16 burned themselves to death.

17 The woman surrounded herself with signs when she
18 lit herself on fire testifying to the abuse of the court
19 system, and the judges, and CPS, and social services of her
20 daughter Mary Day. I'd like to let Clair Day speak for
21 herself. This is the woman who died. This was her suicide
22 letter, July 11th, 1994:

23 "Dear Mary: I just don't have any fight left in
24 me. I love and have tried to help you and Shelley" --
25 that's the granddaughter -- "as best I could. Even working
26 two full-time jobs and borrowing money wasn't enough to help

1 you gain justice in the Sonoma County court system. Your
2 father's vengeance and money defeated you and a corrupt
3 court system and has destroyed all the desire I have to
4 live. I hope you get help and support you need. I pray you
5 get justice in a higher court and that Ken and Nancy and
6 their hired henchmen as well as the judges involved in this
7 travesty pay for what they have done to you, to Shelley, and
8 me. I love you, Shelley, and I love you, Mary. Mom."

9 I will leave this with you for your Commission as
10 well as some very grizzly photographs.

11 I also looked at the case of Maria Teresa Macias,
12 and I'd like to leave this with you. This is from the
13 complaint. The complaint on behalf of the family of
14 Ms. Macias. Two paragraphs only.

15 "After months of nonresponsiveness, disrespect and
16 lack of any effective intervention, Maria Teresa began to
17 despair of being provided with meaningful assistance with or
18 protection from Avalino's abusive behavior. She was worse
19 off than she would have been had he never sought enforcement
20 of the restraining order. Because by merely informing
21 Avalino of her calls and requests and not arresting him even
22 once, the Sheriff's Department increased the risk that the
23 increasingly angry and hostile Avalino would seriously
24 assault or murder Maria Teresa.

25 "Given a green light to continue with his crimes,
26 emboldened by apparent sympathy and understanding provided

1 him by Deputy Lopez and the other deputies and becoming
2 increasingly angry and hostile towards Maria Teresa because
3 of her calls to the Sheriff's Department Avalino's
4 harassment continued.

5 "On April 15th, 1996, when he tracked down Maria
6 Teresa and Sara Hernandez at a housecleaning job in the town
7 of Sonoma, he proceeded to shoot her in the head and shoot
8 Sara Hernandez as well before he turned the gun on himself
9 and committed suicide. After the shooting, a copy of the
10 restraining order was found on the seat of Avalino's car,
11 along with additional bullets for his gun."

12 The third case that I began to look at I was
13 requested to look at after meeting for two and a half hours
14 with an attorney who had taken the case; a woman by the name
15 of Kate Dixon. She took the case of a woman by the name of
16 Carol Mardeusz whose four-year-old -- five-year-old now
17 later Haley was stolen from her by the Sonoma County court
18 system.

19 Judge Cerena Wong issued an order that
20 Ms. Mardeusz could not report sexual and physical abuse of
21 her child to any police officers or any sheriff's office in
22 violation of state law, and she's not been allowed to speak
23 to her child since then. Two and a half years.

24 Now, the natural father Leo Majors, and his
25 mother, Dr. Betty Majors, were both arrested in the city of
26 Novato for sexual and physical abuse of this child. The

1 child now resides with the father.

2 Under penalty of perjury, this man testified that
3 he is a purchaser, distributor, and user of cocaine.
4 There's declarations in the court file by his two
5 exgirlfriends testifying to their abuse at his hands.

6 In the last three weeks, I have attended court
7 hearings with Carol Mardeusz because she's been denied a
8 court reporter in the courts under Judge Boyd. They've
9 tried to put her in a mental institution for mental
10 evaluation because she wants to represent herself after
11 having wasted 45,000 on attorneys. And judge Rosenfield
12 wanted to jail her. He has since retracted his order.

13 I'll make it very brief. When I began covering
14 these cases, I contacted J. Michael Mullins after my car was
15 trailed by law enforcement here in Sonoma County. Michael
16 Mullins apparently contacted my sheriff. Because on March
17 the 11th, my home was raided by three Alameda County
18 Sheriff's Department under the authority of Jim Knutson.
19 They took me to the John George Medical Center to try to
20 commit me. But the fix wasn't in with the psychiatrist.
21 And the psychiatrist said, "This is political, isn't it?" I
22 said, "Yes, sir," he released me.

23 Seven days later, they tried it again. And they
24 had testimony from J. Michael Mullins saying I had his
25 private phone number and used it. I never did.

26 So the law enforcement officers communicate a lot

1 better than us citizens. Thank you very much.

2 MR. HERNANDEZ: I'd like to call forward Carol
3 Mardeusz and Claudia Rickman.

4 Carol, would you state your name for the record.

5 CAROL MARDEUSZ: Yes. My name is Carol Mardeusz,
6 and I was referred to in the last person's words. And,
7 first of all, I want to say if you can stand I'd feel a
8 little better.

9 MR. HERNANDEZ: Sure, that's fine.

10 MS. MARDEUSZ: I was involved in a -- I lived in
11 Petaluma. I'm a 40-year-old lady; I have two children, a
12 14-year-old daughter and a seven-year-old daughter. I lived
13 in Petaluma almost where Polly Klass was stolen, and I
14 lived, in fact, a half a block from Polly Klass. And two
15 weeks before Polly Klass' abduction, I called the police
16 because my daughter reported to me that her and her
17 girlfriend were being followed.

18 And so I made a police report on September 16,
19 1993. And the police officer, Mr. Mayberry, came to our
20 house and wrote a report. She described the man and the
21 car, the vehicle that followed her and her girlfriend and
22 chased them.

23 And then about September 25th, 1993, I was coming
24 home from the show not too far away at around 10:30 at night
25 and the man was in my driveway. And I asked my daughter if
26 that's the man that had followed her and if that's his car.

1 We saw a car, also. And she said, "Yeah, that's the car."
2 So the man was approaching his car and I had locked -- the
3 children lock the door and I went past our house so I could
4 get in there safely later when I made sure he was gone.

5 And I went down the street and came back up the
6 street to make sure he was gone and I got part of his
7 license plate number. So I reported this to the police.
8 And when I called the police that night, it was around 10:30
9 at night, they told me that there's no one on staff right
10 now to come out. So they took the information and that was
11 it. And I said he had followed my daughter before.

12 And so then they called back about maybe 40
13 minutes later and they said, "We'll send somebody out there
14 right now." So I said, "I already gave the information over
15 the telephone and I made a police report about a week and a
16 half ago. So then they said, "Okay." Then that was it for
17 that.

18 And then the following week, Polly Klass was
19 stolen out of her house. You know, the same side of the
20 street, just a block down. Taken out of her house, and
21 kidnapped and murdered.

22 My daughter Natalie looks very much like Polly
23 Klass. If you saw the two pictures at the time, you would
24 have thought they were the same child.

25 After that -- it's a little upsetting after
26 hearing all of the abuse stories. But after that, I made my

1 reports to the police and, you know, gave them all of the
2 further information that I could think of. And my daughter
3 testified and we both identified Richard Allen Davis. We
4 had a police lineup. And we gave them all the information
5 and they took my daughter's picture off our mantle. And
6 they took my -- I had a little book -- I used to be a court
7 reporter, like the lady here, and they took my book where I
8 had all my notes and what had happened during that week. I
9 had kept a log.

10 And then they said I was going to be a witness on
11 the case, so I just left it at that. And then during this
12 time, my daughter, the younger daughter, she had been
13 molested by her father and there was an investigation going
14 on. And he was arrested in Novato for molestation of my
15 younger daughter, Haley.

16 And then when the trial came in the Polly Klass
17 case, I was going to own trial, trying to get my daughter
18 back. They had since took Haley away from me at the start
19 of that trial. And I believe that I'm being retaliated for
20 being a witness in that case because I came forward with the
21 information expecting to be a witness for the prosecution;
22 and now I end up being a witness for Richard Allen Davis.
23 Not that I wanted to be a witness, but this is how it turned
24 out.

25 And now they have my daughter and she's in the
26 hands of her father, who abused her. When they took her

1 away, they let me see her some visits when they first took
2 her away to ease her pain because I raised her since she was
3 born. He wasn't there. He left me when I was a month
4 pregnant.

5 So as I raised her for the five years, he wasn't
6 involved. He was ordered by Sonoma County courts to pay
7 child support and he got some limited visits. And that's
8 where he molested her. And when they took her away and gave
9 her to the father in '95, the Richard Allen Davis trial is
10 the start of it, she came back from one of the visits with a
11 cigarette burn in her leg and bruises. And she said that
12 her father did it. And I reported this and CPS did nothing
13 about it.

14 And then I continued to fight for my child. And
15 then I was approached by Mark Klass to go after Sonoma
16 County for -- to prosecute them for actually being held for
17 the murder of his daughter. And I said I would come forward
18 but I said that they have my child right now and I have to
19 go through my own court case now. So I told him I would
20 come forward but I didn't know that they were, you know,
21 corrupt like this.

22 I didn't have any idea. Because I worked in law
23 enforcement and I had no idea about this. So then he came
24 back later and he said he was going to work within the
25 system. Okay. I'll finish up.

26 Anyway, the bottom line is my child is still left

1 with her abusive father and I'm still being retaliated
2 against. And I have some papers for you gentlemen that
3 they're trying to put me in jail now for going to my
4 daughter's school to do parent participation. And I haven't
5 been able to see my daughter in a year and a half. And her
6 sister, who is 14 now, can't see her sister, either.

7 And my mom, who has always took care of my
8 daughter -- it's a little emotional, but she passed away
9 last year and she wasn't allowed for a whole half a year to
10 see her granddaughter and she practically helped me raise
11 her because the father wasn't in the picture.

12 So I believe they're retaliating against me and I
13 believe it's Michael Mullins who is the head DA. And I do
14 have proof of my daughter's abuse with the cigarette burns
15 with pictures. And I have proof of the police reports that
16 I reported the incident.

17 That's all I have to say. It's a detailed case
18 and it's hard to explain in five minutes.

19 MR. HERNANDEZ: Thank you. I want to let the
20 court reporter change paper.

21 (Off the record.)

22 MR. HERNANDEZ: Ms. Rickman. Please state your
23 name for the record.

24 CLAUDIA RICKMAN: I'm Claudia Rickman, a resident
25 of Cotati for 14 years and the last two and a half in
26 Rohnert Park. I'm fearful of being in Rohnert Park.

1 It seems to me that Mr. Kao was intoxicated, he
2 was driven from Cotati Yacht Club by Officer Kellerman of
3 the Cotati Police Department. This is where we get into the
4 need for changes. Mr. Kellerman drove the intoxicated
5 Mr. Kao home and left him in front of his house intoxicated
6 and drove away. This is the Cotati Police Department.

7 That was a natural setup for him to be executed by
8 the Rohnert Park Police after the intoxicated man disturbs
9 some neighbors. Why could not a little added effort after
10 taking him home? The Cotati police officer, Mr. Kellerman,
11 could have made sure he was inside the house. I know with
12 my children, leave them drunk in front of their house? No.
13 I have to go in and take care of them. We are a "we" with
14 respect.

15 This is an added additional training to the
16 present time police good time training. Please consider it.
17 We are all evolving in our species, compassion and respect.
18 That's the first part.

19 My second part quickly is my fear. June 3rd, I
20 answered a knock at my door. "We're the Sonoma County
21 Sheriffs. We have a warrant for your son Jack Rickman's
22 arrest." "Can I see your warrant?" "We have a warrant."
23 "Can you show me your warrant." These did not look like
24 sheriffs. These did not look like police. They looked like
25 Bodega fishermen.

26 This is called being in, you know -- underground.

1 They do that kind of thing. But I didn't know that. I
2 asked three times to see a warrant. Did you see -- "Do you
3 have some identification like a badge or an ID?" I was
4 taken by the arms and moved to the side of the door. And I
5 was shown a pair of handcuffs.

6 About three other officers, men in jeans and knit
7 shirts went upstairs. I turned around to see the last one
8 pull a revolver out of his back of his belt. They were
9 going up with my son.

10 Now tonight I hear when you pull a gun on someone,
11 it's deadly force. I'm seeing a gun, you're going after, in
12 my household, after my son with a gun? And now I'm learning
13 about deadly force, you can shoot him dead? This is what
14 happens.

15 All right. They took my son away. That's not all
16 right. This -- he was accused and is accused of home
17 invasion burglary. I'm the criminal. Who do I -- this is
18 my home invasion. You're taking my son away at gunpoint.
19 I'm asking for a little respect. Show me your ID. How do I
20 know you're not a thug, part of the Mafia? You don't look
21 like a policeman. You don't look like a sheriff.

22 What is my dignity and my rights? This is my
23 home. Who do I complain to about that? Can I talk it over
24 with a lawyer? Can I talk it over with the public
25 defender? Or the district attorney? Who's going to protect
26 me? What did I do?

1 It's something the police have a right to do. The
2 lady who was robbed has the police to turn to. I'm robbed
3 by the police. Who do I have to turn to? So I think there
4 should be a committee, a review -- independent review board
5 within every town. There's a little bit of the different
6 population in each town and perhaps they could all within
7 Sonoma County come together, you know. And that would be
8 helpful to everyone. You're going to have compassion and
9 respect and that's "we" from each of us. Right now there's
10 no one to appeal to. No one.

11 MR. HERNANDEZ: Thank you very much for your
12 remarks.

13 MR. HERNANDEZ: Is it Mr. Twiddy?

14 THOMAS TWIDDY: Yes, sir.

15 MR. HERNANDEZ: Please state your name for the
16 record.

17 MR. TWIDDY: My name is Thomas Twiddy, and I've
18 been involved in an ongoing harassment by the Healdsburg
19 Police Department for over 21 years.

20 I have been arrested for drunk driving stone
21 sober. I've been to court. I have proof here that the
22 machine at the time they tested me was broke. These copies
23 that they have had no instrument number on them. While the
24 police officer -- and I pretty much can prove it -- when he
25 was on the witness stand, wrote the number in there to try
26 to make it look like the right one. The jury caught it and

1 they found me not guilty.

2 I was sentenced to a year in jail after being
3 found not guilty. I have a subpoena for a police officer
4 which is now the head of the Sonoma County Police Chiefs'
5 Association. He gets a subpoena; it's his day off, he ain't
6 coming to court. He don't want to waste his day in court.
7 That, to me, seems wrong.

8 I have court documents. I have two copies here.
9 I have two other ones that are different, too. It says here
10 up at the top TCR number; date of offense, 4/6/84. I have
11 another one here, same TCR number; date of offense, 7/3/84.
12 I have two other copies with different dates on them.

13 I'm involved, it's in court right now, finally --
14 I've been waiting 14 months now for the judge's decision but
15 I guess sooner or later they'll get to me. But, to me, as
16 far as the Grand Jury goes, I went to the Grand Jury twice.
17 They went to Mullins to indict the police department. He
18 refuses to take their indictment. He will not indict them.

19 And the lady that was head of my committee, she
20 apologized to beat hell -- excuse me. But she said they did
21 everything they possibly could. And this was at the end of
22 the year. She gave me a form to fill out, told me to wait a
23 month, fill out the form, reopen my case.

24 The person that I got on the phone was one that
25 was held over from the last year, which I believe wasn't at
26 that time not even an American citizen. Now, to me, I call

1 him up. And he would refuse to talk to me. I'd ask him to
2 send me a form. No, well, you've been here before we're
3 done with your case and you can't go no further. Well,
4 that's wrong.

5 And, to me, Mullins just hides everything for the
6 police department. The Grand Jury -- and I listened to him
7 when he was talking, I was downstairs, and I was hoping --
8 somebody asked him a question that if the citizens'
9 committee did indict a police department, if we had one, if
10 he felt that they were wrong, would he overturn it? And he
11 said yes, he would.

12 Well, I was hoping somebody would ask him if they
13 found the police officer not -- or not guilty if he could
14 find one guilty. He has never found one guilty. Like he
15 says, since he's been there, there's only one police officer
16 that has been -- I don't know what you would call it. Fired
17 or whatever. Reprimanded. Whatever you call it. Do you |
18 know what for?

19 MR. HERNANDEZ: No. But we're at the end of your
20 time so. . .

21 MR. CARNEY: Just tell us.

22 MR. HERNANDEZ: Tell us and --

23 MR. TWIDDY: Did anybody ever hear about the dead
24 baby found in the pickup truck in the junkyard? There was a
25 girl driving down the street, had a baby. She got scared,
26 she stuck the baby underneath the seat, she had a wreck. A

1 girl comes up to the wreck before the police got there. She
2 heard a baby crying. She told the officer, "There's a baby
3 in the truck, I heard a baby cry." She told him three
4 times. He told her to get back 50 feet or he was going to
5 lock her up for obstructing justice. Two months later, they
6 find a baby in the junkyard.

7 The Grand Jury had an indictment on it or an
8 investigation. All of a sudden he's not a police officer
9 no more, but he's on mental disability with his full
10 paychecks and all his benefits for the rest of his life.
11 And he lied to the Grand Jury because he said that he had
12 never seen the girl before. And there was a witness there
13 that heard him say it.

14 And, to me, that is -- and the papers won't write
15 about it. I've been in the papers with mine. They say I'm
16 unbelievable. I don't care what they think of me. These
17 papers ain't lying. These are out of the DA's Office. The
18 dates don't change. The computer ain't going to change the
19 dates. If it did, it would be useless. So I think somebody
20 has to do something. And I'm not a police editor.

21 MR. HERNANDEZ: Okay.

22 MR. TWIDDY: I'm sorry. Thank you for your time.

23 MR. HERNANDEZ: Next. Would you state your name
24 for the record, please.

25 JANICE KARMAN: My name is Janice Karman, and I'm
26 here because I don't feel that as a women you can get a fair

1 treatment in child support or visitation cases before the
2 courts in Sonoma County. And I've had three cases before
3 the court.

4 The first one was a visitation case that should
5 have been easily settled with mediation services. It
6 dragged on for ten months and cost me over \$10,000. Neither
7 parent was accusing the other parent of being a bad parent.
8 It was strictly a case where the father felt that he
9 couldn't do without his child for four weeks while I took
10 him to Montana in the summer to be with all of our extended
11 family on the lake where all relatives come.

12 That was the first case.

13 The second case was I had a child support case
14 because after the visitation was settled in October of '96,
15 the father declared he was losing his job and couldn't pay
16 child support. He then filed on the DA case was the DA --
17 it was the DA on behalf of my child against the father. He
18 filed on that case and said, "I can't pay child support."
19 He quit paying child support.

20 I continued to pay for my child and support and
21 take care of everything. Every month we went to court.
22 Every month nothing was done. The DA continuously told me
23 that they did not represent me, and they did not represent
24 my child. They represented the State of California.

25 I am a non-welfare parent and I have never been on
26 welfare. The DA is required by law to collect my child

1 support and had been collecting it successfully for three
2 and a half years. The father had been paying through the
3 District Attorney's Office and I was getting child support
4 every month for both child care and support.

5 They gave him not only a reduction after -- the
6 case finally went to trial on June 20th, of '97. He filed
7 February of '97. When it went to court -- we'd been going
8 to court every month, nothing was being done at all. The
9 district attorney -- her husband was also prosecuting the
10 domestic violence case against my ex at the same time
11 concurrently that we were going through the visitation --
12 excuse me -- through the child support case within the
13 court.

14 My district attorney, Antonia Agerbek, was making
15 derogatory comments about me because the husband was
16 prosecuting the domestic violence. And she would tell me
17 things while she was supposed to talking to me about my case
18 and hopefully moving it along.

19 From the beginning, she was not cooperating, not
20 providing discovery, did not file the proper paperwork on
21 the first response. And the first response is that you say
22 what the father's supposed to show as far as his income and
23 expense. And it's required by law that he shows two tax
24 returns. He filed nothing. And was also required to show
25 six months of his salary. He didn't file that either.

26 And she wrote back -- and because I didn't know

1 the law and said, "Please, at least get two copies of his
2 most recent pay stub." She wrote back and said, "You're
3 required by law to do this, but since the mother only
4 required two pay stubs, submit two pay stubs.

5 We went to court. They used my last year's
6 income. I was making \$993. Even on unemployment for the
7 three weeks he was not working, because he worked solidly,
8 he was only three weeks off work they used his current
9 income and made it something like -- excuse me. Not his
10 current, they used his previous three weeks off work, like
11 \$800 or something.

12 Anyway, it was a reduction in child support. But
13 most damaging to me was they quit collecting my child
14 support. And this was a father who had no history of paying
15 it on his own and had made a big court case of the fact that
16 he had to pay it. They started paying it to my child's
17 school and said they'd no be longer enforcing it and that I
18 didn't have any way to enforce it unless I went back to
19 court and got another judgment. They --

20 MR. HERNANDEZ: Okay. Could you summarize your
21 remarks.

22 MS. KARMAN: Okay. They also made it end in June.
23 So they essentially gave me about a eight-month child
24 support order, and my child is eight months old. So now
25 they are trying to cover this up. They have got it in
26 appeal in the Ninth District in San Francisco. And they're

1 trying to get me sign off the case. And had I been on this
2 case at the trial, I would have been able to expose my --
3 testify. You know, give all the evidence that I had. I had
4 expert witnesses in the audience. And what they did is they
5 refused to let me testify because of the motion in limine.
6 They went into chambers and the judge --

7 MR. HERNANDEZ: Okay. The --

8 MS. KARMAN: -- and the DA made their own decision
9 on my child's future.

10 MR. HERNANDEZ: All right.

11 MS. KARMAN: And at this point, it's in appeal and
12 they don't know why they're appealing it. They call it a
13 generic appeal --

14 MR. HERNANDEZ: Okay.

15 MS. KARMAN: -- and a retired Appellate judge says
16 he's never heard of a generic appeal, that it sounds like DA
17 rhetoric that they're making up.

18 MR. HERNANDEZ: Okay. Thank you very much.

19 MS. KARMAN: That's just the one thing.

20 MR. HERNANDEZ: Okay. Well, your time is up.

21 Your time is up. I'm sorry.

22 Okay. This is the last witness.

23 Please state your name for the record.

24 KALIA MUSSETTER: My name is Kalia Mussetter.

25 Thank you so much for being here. Our community really
26 needs you here.

1 I've lived and worked and gone to school in
2 Santa Rosa for 15 years, and I feel very invested in this
3 community. And I've been watching the situation between law
4 enforcement and the rest of the community evolve here over
5 the last two years. And I've been really, really disturbed
6 by it.

7 And I have been really discouraged and saddened by
8 the polarization that's happened and that was mentioned this
9 morning. And I even have felt it since I've been here for
10 the last four hours in the audience. This idea that we can
11 either -- that if some of us want to bring change to the
12 police, that there's just this incredible sort of hostility
13 between two sides, and I think that that's not helping.

14 My experience with police in this county, I have
15 several friend who are officers. I've worked for several
16 officers' families before. And I know that there are many
17 police of good heart in this county because I know them.

18 My experience, also, though on the other hand, is
19 that there is a lack of -- there's often a lack of ethical
20 treatment of people in the community by law enforcement.
21 I've experienced that personally. So have friends of mine,
22 especially women.

23 And I feel like there's a lack of understanding in
24 the community about what an incredibly difficult job law
25 enforcement is. I have heard from my friends the assault
26 and violence and craziness that they're exposed to all the

1 time. And as a citizen, I would like to see more resources
2 and more training made available to all law enforcement so
3 that they have the choice to be sane and to react
4 effectively in a moment have duress.

5 I don't think that they have that choice now.
6 Thank you. I just need to say one more thing since you're
7 here. Since you've flown 300 miles, I'm going to say this
8 one more thing.

9 MR. HERNANDEZ: Try five.

10 MS. MUSSETTER: Thank you for your patience.

11 Also, based on the extensive testimony here today,
12 it's very obvious that there are some officers who are
13 abusing power in this county. And despite what people may
14 think, one person being mistreated in that way is one person
15 too many.

16 And there's obviously also collusion between the
17 court system that is corrupted in this county. And I would
18 like to really -- I would hope that whatever recommendations
19 that this Commission makes will be binding in our county and
20 that law enforcement will be compelled to act on your
21 recommendations. And I think it's not only important for
22 us, for me as a citizen, I need to feel safe with my local
23 police. And I kind of don't.

24 I think we also owe it to all of the officers who
25 are of good heart and who are honorable to do this.
26 Something is not working. Thank you.

1 MR. HERNANDEZ: Thank you very much.

2 A VOICE: I have a question.

3 MR. HERNANDEZ: Yes, ma'am.

4 A VOICE: Will your deliberations be public?

5 MR. HERNANDEZ: Yes, everything is on the record.

6

7 MR. MONTEZ: The results will be.

8 MR. HERNANDEZ: The results will be public, yes.

9 A VOICE: But will your deliberations themselves

10 be public if we want to come to Los Angeles?

11 MR. HERNANDEZ: Well, let me just say that -- Let

12 me just wind this up by saying we will -- what I, as

13 chairman, intend to do with the committee, is to form a

14 subcommittee of the California Advisory Committee to the

15 Commission on Civil Rights. And that subcommittee will

16 monitor the situation and look at the situation further.

17 So we will meet again, and I don't know exactly

18 when, and look at what we have in the way of transcripts.

19 And I'll set up a subcommittee and we'll be getting back to

20 the community within the next few months. Okay?

21 Now, it's been a long day for the Committee and I

22 think for all of us. I want to thank everybody, and I want

23 to especially thank our Commissioners who were here with us

24 all day and gave us their time.

25 And I apologize to the community for the lack of

26 good facilities. But we tried the best we could. And we're

1 all volunteers here, we don't get paid for this.

2 And so we will get back -- we heard, we listened.

3 And we thank you very much for your participation, and this
4 hearing is now adjourned.

5 (Hearing adjourned at 7:05 p.m.)

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